Supreme Court, U.S.
FILED
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No. 01 258

In The

Supreme Court of the United States

Yvonne Liebel

Petitioner,

v.

Eugene Grant, Esq.; Robert Nagro; Richard Solomon; Ridgefield Bank; Weil, Gotshal and Manges, LLP; Bridge to Brotherhood, Inc.; Mark Hoeing, Esq.; David Stone, Esq.; Ira Millstein, Esq.; Marvin Jacob, Esq.; Reynolds and Rowella, LLP., PricewaterhouseCoopers, LLP/Kesselman & Kesselman;

Respondents.

On Petition For Writ Of Certiorari
To State Of Connecticut Appellate Court

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I Is an Interlocutory Order not-appealable where Due Process is denied a civil litigant?

II Is civil litigant's due process not violated when the litigant is denied counsel?

III Does pretrial managerial judging in Complex Litigation Courts violate due process when the courts depart from state adjudication standards without a well- publicized body of rules and procedures that is accessible to all litigants?

Questions addressing violations of Petitioner's constitutional rights to Due Process and Equal Protection Of The Laws under the Fourteenth Amendment of The United States Constitution

This litigant's life and her family's are at risk

PARTIES TO THE PROCEEDINGS

Plaintiffs /Petitioners

Yvonne Liebel, Petitioner, is an individual and has no corporate affiliation; **The Alliance Foundation, Inc.**, a Connecticut 501 (c)(3) non-stock corporation; **Alliance Capital, Inc.**, a Connecticut corporation with no parent or publicly held company; **General Homes, Inc.** a Connecticut corporation with no parent or publicly held company; **Alliance International Development Corp.**, a Connecticut corporation with no parent or publicly held company; **DTL-USA, Inc.**, a Connecticut Corporation with no parent or publicly held company.

Defendants/Respondents

Eugene Grant, Esq., an individual and has no corporate affiliation ; **Robert Nagro,** an individual and has no corporate affiliation; **Richard Solomon,** an individual and has no corporate affiliation; **Ridgefield Bank**, a Connecticut corporation, a commercial bank with no parent or publicly held company; **Weil, Gotshal and Manges, LLP,** a New York limited Liability Partnership; **Mark Hoeing, Esq.**, an individual and has no corporate affiliation; **David Stone, Esq.**, an individual and has no corporate affiliation; **Bridge to Brotherhood, Inc.**, a New York 501(c)(3) non stock corporation; **Ira Millstein, Esq.**, an individual and has no corporate affiliation; **Marvin Jacob, Esq.**, an individual and has no corporate affiliation; **Reynolds and Rowella, LLP.** a Connecticut , Limited Liability Partnership; **PricewaterhouseCoopers, LLP/Kesselman & Kesselman,** a Delaware Limited Liability Partnership.

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The Order granting Defendants' Motion To Dismiss Plaintiffs' Appeal in the case of The Alliance Foundation, Inc. et al. v. Eugene Grant et al. No. A.C. 21419, and is set forth in the Appendix hereto (App. A at page 1a)

The Order of The Supreme Court Of The State of Connecticut denying Plaintiffs' Joint Petition for Certification to The Supreme Court is set forth in Appendix hereto (App. A4 at page 6a)

BASIS FOR JURISDICTION

The judgment of the Connecticut Appellate Court was entered on March 21, 2001. The Order of the Supreme Court Of The State Of Connecticut denying the Plaintiffs' Joint Petition for Certification to The Supreme Court was entered on May 7, 2001. This petition for writ of certiorari is filed within ninety days from that date. 28 U.S.C. Section 2101 (c). The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257.

STATUTORY PROVISIONS INVOLVED

Fourteenth Amendment of The United States Constitution:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, not deny to any person within its jurisdiction the equal protection of the laws."

Connecticut Public Act 99-215, Section 27, subsection (a) provides for a transfer of a case to Complex Litigation Docket, and the Connecticut Superior Court Rules-Civil Matters Rules 23-13, 23-14, and 23-15, governing the Complex Litigation Docket.

Rule 23-13 states as follows:

The Chief Court Administrator, or the Chief Administrative Judge of the Civil Division may designate a group of cases that have many parties in common, questions of law, or fact as complex litigation cases and assign the cases to a single judge for pre-trial, trial, or both and, if appropriate, may assign the cases to another judge or court officer for settlement or meditation discussions.

Rule 23-14, states as follows:

The judge to whom complex litigation cases have been assigned may stay any or all further proceedings in the cases, may transfer any or all further proceedings in the cases to the Judicial District where the judge is sitting, may hear all pre-trial motions, and may enter any appropriate order which facilitates the management of the complex litigation cases.

Rule 23-15, states as follows:

An attorney or judge may request the Chief Court Administrator to make an assignment pursuant to Section 23-13. The request shall be submitted, in writing, to the Chief Court Administrator and the Chief Administrative Judge of the Civil Division. When an attorney makes such a request, the attorney shall serve a copy of the request on all other parties pursuant to Section 10-12 through 10-17. Should the Chief Court Administrator deem it appropriate to do so, the Chief Court Administrator may solicit comments on the request by causing a notice to be published in the Connecticut Law Journal.

STATEMENT OF CASE

"... NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THE UNITED STATES, NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

The Constitution of The United States of America ("Fourteenth Amendment")

Exercising Managerial Judging through the enforcement of Connecticut Superior Court Rules-Civil Matters Rules 23-13, 23-14, and 23-15, governing the Complex Litigation Docket, the Connecticut Superior Court derailed legal proceedings when it forcefully transferred a case at the pretrial stage from its original court where proper venue lies to a new and distant Complex Litigation Docket with broad and unclear judicial discretion that at pretrial stage is seldom subject to appeal. The Superior Court actions were further sanctioned when the Connecticut Appellate Court granted the Defendants' "Motion to Dismiss Appeal" (Hon. Judge Barry R. Schaller, Recused) on the basis that appeal was interlocutory and the Court lacked jurisdiction. The Superior Court actions were sanctioned once again when the Supreme Court denied the Plaintiffs' "Joint Petition for Certification." Throughout the transfer and appeal process the Courts severely abridged privileges and immunities of the Petitioner in this action depriving her of life, liberty and property without Due Process and denying her equal protection of the laws as guaranteed to her under the Fourteenth Amendment of the United States Constitution.

The Petitioner, Yvonne Liebel, is founder and president of a small Connecticut public charity, The Alliance Foundation, Inc., established in 1990, and related corporations: Alliance Capital, Inc.; Alliance International Development Corp.; General Homes, Inc.; and DTL-USA, Inc. On January 10, 2000 DTL-USA, Inc. and Yvonne Liebel filed a Summons and Complaint in the Judicial District of Danbury in Danbury, Connecticut, against Ridgefield Bank of Ridgefield, Connecticut, Docket No. CV00-0338142 - S (the bank case), alleging UCC and other violations against the Bank.

On February 18, 2000, The Alliance Foundation, Inc. and Yvonne Liebel, filed a second Summons and Complaint in the Judicial District of Danbury against Eugene Grant; Richard Solomon and Robert Nagro (officers/directors of the Foundation), Docket No. CV00-0338520-S (the lead case). The action alleges conspiracy to destroy the Foundation and defraud the Plaintiffs of their assets. At the center of the Foundation's assets are two breakthrough IRS private-letter-tax-rulings that the Petitioner, Yvonne Liebel, originated in 1991 and 1996 for the Foundation; and equities in five start-up companies that the Foundation assisted between 1993-1998.

On or about July 7, 2000, the Plaintiffs filed a Motion to Cite In four additional Defendants to the lead case: Ridgefield Bank (the Plaintiffs' bank since 1990); and Weil, Gotshal and Manges LLP; Mark Hoenig, Esq.; and David Stone, Esq. (the Foundation's pro bono attorneys and trustees since 1990). Within a few days, Honorable Judge Radcliff granted the Plaintiffs' motion. On September 1, 2000, the Plaintiffs filed a Motion for Joinder of three additional Plaintiffs: Alliance Capital, Inc.; Alliance International Development Corp.; and General Homes, Inc., and a Second Amended Complaint that included all new Plaintiffs and Defendants. In a "Request to Revise" the complaint, Defendant, Eugene Grant asked for 66 revisions. Honorable Judge Radcliff granted the Defendant 8 revisions.

The main reason for not including all parties in the initial complaint was that the in-house out-of-state-counsel the Plaintiffs hired in October 1999, Richard Gregg, insisted that these parties could always be added in subsequent amended complaints during discovery proceedings, which would not present a problem as the State of Connecticut had a liberal policy with regard to future amendments. This single misleading advice caused the Plaintiffs undue delays and appeals that critically damaged the Plaintiffs' litigation and their resources.

Due to continuous conflicts, in May 2000, Attorney Gregg was sent back to his home state. He continued, however, to advise the Plaintiffs long distance until he resigned on October 12, 2000. Also in May 2000, a part time in-house Connecticut counsel, Attorney Joyce Morin was hired. Attorney Morin who suffers from Multiple Sclerosis practices family law in the State of New York. Her professional and physical limitations necessitated the hiring of additional Connecticut litigation counsel, Attorney Kevin Ahern, on an as needed basis to conserve funds.

On October 12, 2000, following the two favorable rulings for the Plaintiffs, and before the Defendants filed their answers, the Defendants filed an application to transfer the lead case to a Complex Litigation Docket in another city (Stamford, Connecticut) about one hour from the originating Court and where the Defendants' law firms are located. The Defendants have unlimited resources and are represented by major Connecticut law firms. The Plaintiffs have limited resources and legal counsel and the Petitioner, who is not an attorney generates all pleadings. The Defendants' stated reason for the transfer was that one judge should oversee the case to trial for judicial economy (App. D, at 22a). On October 12, 2000, Plaintiffs filed an objection to the transfer citing extreme physical and financial hardships that would result from such transfer, as well as, an exhaustive logistic burden for them and their counsel to litigate this matter long distance (App. D1, at 23a).

On October 24, 2000, an Administrative Judge in Hartford, Connecticut, Honorable Judge John J. Langenbach, exercised judicial management and issued an Interlocutory Order granting the Defendants' application to the transfer (App. D2, at 25a) without the benefit of a hearing in the Danbury Superior Court and against the Plaintiffs' numerous compelling objections. Also, the case was transferred although Honorable Judge Taggart Adams, in a Status Conference on October 16, 2000 in the Danbury Superior Court, agreed to exclusively supervise the case (App. B, at 11a) resolving the Defendants' main reason for the transfer.

Further, Judge Langenbach's transfer Order failed to include the bank case, although the Plaintiffs filed Motions to Consolidate in both cases, as they stemmed from the same fact pattern and shared common parties. In splitting venues, Judge Langenbach separated the cases, an action that was contrary to the motions' intent.

Judge Langenbach's Interlocutory Order also interrupted a commitment made by Judge Adams at his October 16, 2000 Status Conference, to rule within 48 hours (App. B1, at 12a) on the following pleadings he ordered the Plaintiffs to file by October 24, 2000: Motions to Consolidate their two cases; a reclaim of their Motion for Joinder of Additional Plaintiffs (since it was passed over on September 18, 2000 when it came up on the Court's short calendar); Request to Amend Second Amended Complaint and a Third Amended Complaint; and a Motion to Add New Party Defendants .

As a result of the interlocutory transfer order, Judge Adams did not rule on the Plaintiffs' pleadings on October 26, 2000 as he stated. Instead, on November 15, 2000, Honorable Judge Arthur Hiller, partially fulfilling Judge Adams commitment, ruled on the Plaintiffs' Motion to Cite in New Party Defendants (App. D3, at 26a). Judge Hiller ordered to cite in three of five Defendants: Bridge to Brotherhood, Inc. (Weil, Gotshal and Manges' new charity that replaced The Alliance Foundation, Inc. and took over its assets); Ira

Millstein, Esq.; Marvin Jacob, Esq.; (senior partners at Weil, Gotshal and Manges and members of the charity's board of directors). Judge Hiller's decision excluded two indispensable Defendants: the local accounting firm of Reynolds and Rowella, LLP (member of the board of directors of Ridgefield Bank and the Plaintiffs' accounting firm since 1988), and PricewaterhouseCoopers, LLP/Kesselman & Kesselman (associates of Weil, Gotshal and Manges, LLP in this matter). On November 15, 2000, Judge Hiller did not rule on the remaining documents. Bridge to Brotherhood, Inc., Ira Millstein, and Marvin Jacob were properly served in December 2000, but they have not yet filed appearances or answers in this action.

Although the Plaintiffs were allowed to object to Judge Langenbach's transfer Order at a subsequent hearing on November 15, 2000 at the Complex Litigation Docket in Stamford, Connecticut (App. D4, at 27a), the presiding Judge, Honorable Judge Kevin Tierney's conduct and statements at the hearing indicated that the dye was cast with regard to the transfer long before the hearing and that the hearing was a mere formality.

In addition, during the hearing Judge Tierney indicated that his Court was accorded greater latitude in case supervision than other State Courts although there wasn't clear indication as to what rules or policies the Plaintiffs would be subjected to at the Complex Litigation Docket (App. C2, at 15a). Judge Tierney also stated he had the power to reverse prior decisions made by other Superior Court Judges and planned to exercise it by eliminating the existing decision on the request to revise (App. C3, at 16a.) Judge Tierney indicated that access to his Court's file would be extremely difficult, (App. C4, at 17a) and ignored the Petitioner's cries for help in securing counsel that would remain true to the case, a problem that plagued the Plaintiffs' ability to litigate caused by the Defendants' significant power and applied "pressures" (App. C5, at 17a). Finally, Judge Tierney overruled the Petitioner's numerous objections to the transfer (App. C6, at 19a), including her argument that although the case had multiple Defendants it was not too complex for the

Danbury Court to supervise (App. C7, at 20a). Judge Tierney rendered his decision from the bench without a written memorandum or a verbal explanation and stated that this was his Court's usual conduct (App. C8, page 21a). None of the Motions were ruled on at the hearing.

On November 20, 2000, five days after the hearing at the Complex Litigation Docket, the Defendant, Eugene Grant, filed three simple/frivolous contract actions in the Danbury Court, Case No. CV-00-0341050 - S, Eugene Grant v. The Alliance Foundation, Inc.; Case No. CV-00-0341048-S and case No. CV- 00-0341049-S, Eugene Grant v. Alliance Capital, Inc. (the Grant cases). Alliance Capital was a sought joinder in the Motion for Joinder of Additional Plaintiffs which was still pending at the time these actions were filed. Since their filing, the Grant cases served as a litigation ploy that managed to successfully disturb proceedings in the lead cases.

In December 2000, The Alliance Foundation, Inc. and Alliance Capital, Inc. moved for consolidation of the Grant cases with the lead case. The matter appeared on the Danbury Court's short calendar on January 2, 2001. At the hearing in the Danbury Superior Court, the Court clerk instructed the Petitioner and counsel, Joyce Morin, to leave the Court before marking their Motion ready by stating that the matter was transferred to Complex Litigation Docket, verbally referring to written Court instructions from Complex Litigation that didn't exist. As a result, the Motion was not ruled on that day, instead, on January 8, 2001, Judge Adams issued an Order delaying the decision for 30 days (App. D5, at 28a), during which time the Court transferred the Grant cases to Complex Litigation Docket without a hearing in the Danbury Court. On January 26, 2001, the Corporations filed objections to the transfer. On February 22, 2001, the Court scheduled a hearing on the transfer at the Complex Litigation Docket for March 12, 2001 (App. D6, at 30a).

On November 27, 2000, the Plaintiffs filed an appeal with the Appellate Court in Hartford, Connecticut, appealing both Judge Langenbach and Judge Tierney's Interlocutory transfer orders; the Court's failure to rule on their properly filed motions; the Court 's exclusion of two party defendants; and Judge Adams Order at the October 16, 2000 conference to make their Third Amended Complaint a "final" complaint ("I'm inclined to let the plaintiffs file and serve one more complaint with the provision that it is going to be the last one." Excerpt from Judge Adams' conference on October 16, 2000. At that point none of the Defendants had filed answers and facts were still unfolding).

In both the October 16, 2000 Status Conference and in the November 15, 2000 hearing at the Complex Litigation Docket the Plaintiffs raised issues of due process and difficulties with counsel. The Plaintiffs raised the due process issue more comprehensively in their Appellate Brief filed on January 25, 2001 (App. A5, at 8a). The four Volume brief included the pending motions; Third Amended Complaint and exhibits, etc. The Plaintiffs raised this issue again when on January 29, 2001 they filed their objection to the Defendants' Motion to Dismiss Appeal filed on January 10, 2001. In their motion to dismiss the Defendants argued that the appeal was interlocutory and the Appellate Court lacked jurisdiction. In their objection, the Plaintiffs argued that the Courts' decisions "concluded" their rights and violated their due process and therefore should be considered "final" and deserving of appeal.

From November 15, 2000 to date, Judge Tierney's decisions continued to stun the Petitioner. Judge Tierney:

1. Ordered corrections of only sixteen out of at least twenty errors and omissions found in his Court's November 15, 2000 transcript, all in favor of the Defendants, leaving out significant four changes (App. D7, at 31a);

2. With regard to the March 12, 2001 hearing on the transfer of the Grant cases to Complex Litigation Docket, the Court denied motions for continuance with good cause: The Appellate Court decision on the transfer of the lead case was expected any day (App. D9, at 36a), which would affect proceedings. In addition, although Petitioner informed the Court she was ill in California and Attorney Morin was unable to represent the Corporations alone, the Court insisted on holding the hearing on that date which brought about Attorney Morin's dismissal to avoid possible misrepresentations at the hearing. This action later necessitated the filing of appearances by Attorney Kevin Ahern in these matters;

3. Denied Attorney Joyce Morin's Motion for Continuance to obtain new counsel citing a rule applicable to a resigning attorney not a dismissed attorney (App. D10, at 38a), forcing her to appear at his March 12, 2001 hearing against her clients' instructions and creating for her a conflict of interest between the Court and her clients. Attorney Morin stated that as "An Officer Of The Court" she had to abide by Judge Tierney's order and appear at the hearing;

4. Overruled at his March 12, 2001 hearing, the Corporations' objection to transfer the Grant cases from the Danbury Superior Court to Complex Litigation Court without an authorized counsel present at the hearing and without a memorandum of decision explaining his ruling (App. D11, at 38a);

On March 21, 2001, the Court of Appeals for the State of Connecticut dismissed the Plaintiffs' appeal (App. A, page 1a) by simply granting the Defendants' "Motion to Dismiss Appeal." Honorable Judge Barry R. Schaller recused. (Hon. Judge Barry R. Schaller is author of "Managerial Judging: A Principled Approach to Complex Cases in State Court", CT Bar Journal, April 1994. Cite: 68 Conn. B.J. 77). The Court wasted almost three months to consider the transfer to Complex Litigation Docket; the Court failure to rule on motions; and claims of Due Process violations, only to quickly dismiss appeal on a motion denying the Petitioner 's right to review.

The Appellate Court, through its Case Manager seemed to have coordinated its actions and decisions with the Complex Litigation Docket, as well as, with Petitioner's counsel, Attorney Kevin Ahern:

1. The Court forwarded the Motion for Rectification of the Danbury Court October 16, 2000 Transcript (which also contained numerous errors and omissions favoring the Defendants), to Judge Tierney. The Court never forwarded the motion to the appropriate Court, Judge Adams. Upon dismissing the appeal the Court ORDERED that no further action was necessary on the motion as appeal was dismissed (App. D12, at 39a and App. D13, at 40a);

2. The Court forwarded the Motion for Rectification of Docket Sheets and Missing Files intended for the Clerk at the Danbury Superior Court to the wrong Court, to Judge Tierney, AT complex Litigation. Upon dismissing the appeal the Court ORDERED that no further action was necessary as appeal was dismissed. (App. D8, at 34a and D14, at 41a);

3. The Petitioner found that the Court published on the Internet, in error, that appeal was withdrawn instead of dismissed. On inquiry, the Court informed Petitioner it was a Complex Litigation Docket error and that the Court corrected it;

4. The Court sent its March 21, 2001 Order to Dismiss Appeal to the Petitioner's address in Connecticut while the Case Manager was well aware that Petitioner was ill in California. On March 30, 2001, Petitioner received an "urgent" fax from Attorney Kevin Ahern that "as he was passing through Stamford" (two hours from his office) he stopped at Complex Litigation Docket, where the Clerk informed him that the appeal in the lead case was dismissed on March 22, 2001 (App. D15, at 42a). Learning about the dismissal nine days after it was rendered cut by half the number of days the Plaintiffs had to appeal to the Supreme Court, but long enough to

allow Attorney Ahern to commence on March 29, 2001, a joint appeal in the Grant cases, appealing Judge Tierney's decision to transfer the cases to his Court. If the appeal in the Grant cases was finalized this "maneuver" would at least: A. prevent a direct and immediate appeal from the Superior Court (from Judge Tierney's March 12, 2001 decision) to the Supreme Court Pursuant to C.G.S Section 52-265a B. a ruling from the Appellate Court could take months (Court delays have characterized this litigation) C. the Grant cases could not join the lead cases in a "Joint Petition to the Supreme Court" E. a duplicate appeal in the Grant cases was certain to invite a "Motion to Dismiss" and a "Motion for Sanctions" by opposing counsel;

5. Petitioner scrambled to get an extension of time for the lead case to file "Petition For Certification to the Supreme Court" but Attorney Ahern was uncooperative, he continuously, "pushed" to finalize the Grant appeal although he knew it was inappropriate and against his clients best interests (App. D 16, at 43a). When Petitioner refused to proceed with it, he threatened to and later resigned. Petitioner finally called opposing counsel and obtained from him an extension until April 25, 2001, which the Court had to approve. Petitioner also scrambled to quickly file "Motions for Extension of Time" on behalf of the bank case and the Grant cases in order to join them with the lead appeal on April 25, 2001. Attorney Ahern only wasted time, provided misleading advice and produced nothing;

6. On April 6, 2001, Judge Tierney assigned the lead case a new Complex Litigation Docket number effective March 30, 2001 (App. D17, at 47a). Deadline for appealing the decision was April 11, 2001;

7. Although the Corporations did not pursue the appeal in the Grant cases and no documents were filed with the Appellate Court, Attorney Ahern, as late as April 18, 2001, kept advising Petitioner that the Appellate Court left him messages and spoke to him, inquiring about the appeal. On the morning of April 19, 2001,

Petitioner wrote a letter to the Court and Attorney Ahern advising them (what Attorney Ahern had known for a long time) that the Corporations in the Grant cases planned to file a direct appeal to the Supreme Court and join it with the lead case and the bank case on April 25, 2001. A few hours later, Petitioner received a fax from Attorney Ahern of an Appellate Court Notice dated April 16, 2001, assigning this non-appeal an Appellate docket number, AC 21768 and a Case Manager, contrary to P.B. Section 63-3 (App. D18, at 48a). An hour later, Petitioner received another fax from Attorney Ahern: Motion to Dismiss and Motion for Sanctions dated April 17, 2001 by opposing counsel against the Corporations. In his cover letter dated April 20, 2001 Attorney Ahern advised to answer the motions, but Petitioner refused, so not to validate this appeal. Attorney Ahern never informed his client of this Court error. When Petitioner brought the matter to his attention he defended the Court and patronized her with irrelevant legal arguments;

8. The Appellate Court's docket sheets posted that the "Motion to Dismiss Appeal" in the Grant cases was filed by the Defendants Corporations instead of by Eugene Grant;

9. Attorney Ahern answered the Motion for Sanctions on his own behalf, against his clients' instructions arguing that as "An Officer Of The Court" he had to answer the motion although the appeal was invalid. Petitioner then asked him to at least postpone his answer until after the Plaintiffs filed their Petition to the Supreme Court on April 25, 2001, which would still leave him ample time to file. Counsel filed his answer on April 23, 2001;

10. The events surrounding the Grant cases' appeal caused the resignation of Attorney Ahern in April, although he agreed to remain until new counsel was retained. On April 22, 2001, he wrote a short summary to the Appellate Court (App. D19, at 49a). On June 21, 2001, the Appellate Court "Granted" Eugene Grant his "Motion to Dismiss Appeal" in the Grant cases A.C.21768 (App. D20, at 51a) and "Denied" his "Motion for Sanctions (Honorable Judge Barry R.

Schaller recused in both orders). (App. D21, at 52a.) Attorney Ahern did not offer an explanation for his conduct. Immediately following these decisions, Petitioner accepted his resignation. On June 18, 2001, Attorney Joyce Morin, unexpectedly and without notice also resigned. On June 22, 2001, Petitioner informed the Complex Litigation Docket, to which all cases were now transferred (except the bank's case) of these developments (App.D25, at 57a).

Although both Attorneys Morin and Ahern were requested to fax copies of their withdrawal forms, Petitioner is yet to receive them. Attorney Morin reiterated her resignation in a letter to Defendant Eugene Grant's counsel (App. D22, at 53a). At the time of filing of this Writ of Certiorari, the corporations are without counsel.

On July 18, 2001, the Complex Litigation Docket sent out notices that the Grant cases were transferred to the Court and were assigned new Docket numbers: CV-01-0184857-S (X05); CV-01-0184858-S (X05); CV-01-0184858-S. Also, that a conference was scheduled for August 29, 2001 at 2:00PM, with regard to these cases only.

To date, nine months after Judge Langenbach issued his Interlocutory Order, none of the Plaintiffs' pleadings have been ruled on which stymied proceedings and brought this litigation to a dead stop. Without Connecticut counsel and a dismissed appeal, Petitioner hoped that the "Joint Petition for Certification to the Supreme Court" would finally consolidate all matters for the Court's review and return the case from Complex Litigation in Stamford to the Danbury Court where proper venue lies.

On April 23, 2001, Petitioner filed on behalf of the bank case: DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank Docket No.CV00-0338142-S, a "Motion for Extension of Time (until April 25, 2001) to File Joint Petition for Certification to the Supreme Court" to join the Petition for Certification with the lead case A.C. 21419/Docket No.CV00-0338520- S and the Grant cases: Eugene

Grant v. The Alliance Foundation, Inc., CV00-0341050S; Eugene Grant v. Alliance Capital, Inc., CV00-0341049S; And Eugene Grant v. Alliance Capital, Inc., CV00-0341048. The extension of time was from the date of November 15, 2000, when Judge Hiller at the Danbury Court failed to rule on the "Motion to Consolidate" the case. Legal basis for the motion for extension of time: C.G.S. Sections 52-264; 52-265; 52-265a; P.B. Sections 84-2 (3)(4)(5); and the Fourteenth Amendment of the United States Constitution.

Also on April 23, 2001, Petitioner filed on behalf of the Corporations a "Motion for Extension of Time (until April 25, 2001) to File Joint Petition to the Supreme Court" in the Grant cases: Eugene Grant v. The Alliance Foundation, Inc., CV00-0341050S; Eugene Grant v. Alliance Capital, Inc., CV00-0341049S; And Eugene Grant v. Alliance Capital, Inc., CV00-0341048; to join the Petition for Certification with the lead case A.C. 21419/Docket No.CV00-0338520- S and the bank case DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank Docket No.CV00-0338142-S. The extension of time was from March 12, 2001 the date Judge Tierney overruled the Corporations' objection to the transfer of the Grant cases to Complex Litigation Docket. Legal basis: C.G.S. Sections 52-264; 52-265; 52-265a; P.B. Sections 84-2 (3)(4)(5); and the Fourteenth Amendment of the United States Constitution.

On April 24, 2001, Petitioner filed a "Joint Petition for Certification to the Supreme Court" on behalf of the lead case A.C. 21419/Docket No.CV00-0338520- S; DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank Docket No.CV00-0338142-S; Eugene Grant v. The Alliance Foundation, Inc., CV00-0341050S; Eugene Grant v. Alliance Capital, Inc., CV00-0341049S; And Eugene Grant v. Alliance Capital, Inc., CV00-0341048; Legal basis: C.G.S. Sections 52-263;52-265a; P.B. Sections 84-2 (3)(4)(5); and the Fourteenth Amendment of the United States Constitution.

On April 24, 2001, the Connecticut Supreme Court issued an Order to the Petitioner with regard to the extension of time for the

bank case: DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank, Docket No. CV00-0338142-S as follows: "The Motion Of Yvonne Liebel, Filed April 24, 2001, "To Extend Time To File Joint Petition For Certification To The Supreme Court with The Alliance Foundation, Inc. And Yvonne Liebel v. Eugene Grant et al., Appellate No. A.C. 21419/Docket No.CV00-0338520S and Eugene Grant v. The Alliance Foundation, Inc., CV00-0341050S; Eugene Grant v. Alliance Capital, Inc., CV00-0341049S; And Eugene Grant v. Alliance Capital, Inc., CV00-0341048, Pursuant to CGS Section52-265a," Is Hereby Ordered Granted To The Extent That An Extension To April 25, 2001, Is Granted To File a Petition To The Chief Justice Pursuant To General Statutes Section 52-265a From The Trial Court Action Transferring The Case To The Complex Litigation Docket **(Petitioner Comment: the Court never transferred this case to Complex Litigation Docket).** This Action Does Not Authorize The Movant To Join Any Petition Filed Pursuant To General Statutes Section 52-265a With A Petition For Certification In A.C. 21419 Filed Pursuant To General Statutes Section 51-197f." To the extent that the motion appears also to seek an extension of time to file petition pursuant to G.S. Section 52-265a in CV00-0341050, CV00-0341049 and CV00-0341048, the motion is denied." (App. A1)

On April 24, 2001, the Supreme Court also issued an Order to the Petitioner with regard to the extension of time for the Grant cases: Eugene Grant v. The Alliance Foundation, Inc. and Eugene Grant v. Alliance Capital, Inc., No.'s CV00-0341048/49/50S, as follows: " The Motion of Yvonne Liebel, filed April 24, 2001, "To Extend Time To File Joint Petition for Certification to the Supreme Court with The Alliance Foundation, Inc. and Yvonne Liebel v. Eugene Grant et al., appellate No. A. C. 21419/Docket No. CV00-0338520S, and DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank, Docket No. CV00-0338142S, pursuant to General Statutes Section 52-265a," is hereby ordered denied." **(Petitioner Comment: The Court never explained why the Grant cases were denied a extension of time for a joint appeal pursuant to C.G.S Section 52-265a).** (App.A2)

On April 27, 2001, the Connecticut Supreme Court issued an Order to the Petitioner in connection with the Joint Petition for Certification to the Supreme Court on the cases of: The Alliance Foundation, Inc. and Yvonne Liebel v. Eugene Grant et al. case No. A.C. 21419/ Docket CV00-0338520S and DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank, case No. CV00-0338142S as follows: " The Chief Justice today denied your "Joint Petition for Certification to the Supreme Court" filed pursuant to General Statutes Sections 52-263, 52-265a and Practice Book Section 84-2(4)." (App. A3).

On May 7, 2001, the Connecticut Supreme Court issued the Petitioner a correction of the above order as follows: "On April 27, I wrote that the Chief Justice denied your "Joint Petition for Certification to the Supreme Court" filed pursuant to General Statutes Sections 52-263, 52-265a and Practice Book Sections 84-2(4). The letter should have read and is now corrected to read; "The Chief Justice today (April 27) denied your 'Joint Petition for Certification to the Supreme Court' filed pursuant to General Statutes Sections 52-263, 52-265a and Practice Book Sections 84-2 (3), (4), and (5). The petition is dismissed as to Eugene Grant v. The Alliance Foundation, Inc. (DBD CV00-0341050), Eugene Grant v. Alliance Capital, Inc. (DBD CV00- 0341049) and (DBD CV00-0341048) because the movant is not a party in those matters." **(Petitioner Comment: with regard to the Court decision to dismiss the Grant cases "...because movant is not a party in those matters", if the Court timely consolidated these matters with the lead case in January 2001 in accordance with Motions filed in December 2000 movant would have been a party in those matters.)** (App. A4).

Since the Court's intervention and the filing of pleadings on October 24, 2000 the Petitioner encountered a number of alarming incidents outside the Courts, which Petitioner had never experienced before: A break-in to the Foundation's offices in Ridgefield, and flooding of its accounting documents (App. D23, page 54a); Problems with mail, telephone and security systems;

Problems with the renewal of insurance policies managed by local agents; Manipulation of loan documents and appraisals by her lender, Washington Mutual Bank's local agents which barred financing for this litigation and may cause the loss of her home to this lender; severe change to the water (well) and air quality at her residence due to Bromine existence that caused Petitioner upper respiratory problems, dizziness, headaches and other conditions (App. D24, page 55a). Local laboratory, Brooks Laboratory of Norwalk, withheld accurate analysis and solutions. Petitioner got so ill she had to abandon her home in midst of a harsh winter to various local hotels (at a huge expense) that would make available a computer so she could prepare Court pleadings, including the Appellate Brief filed on January 25, 2001. While at the hotels, documents and evidence were removed from her rooms and car.

On February 21, 2001, Petitioner flew to California and remained there about two and-one-half months to undergo tests, and to recover. After her return to Connecticut in early May she discovered her rental car's windshield cracked although it was parked at a security parking (Enterprise accident claim # DX2426E48); the side window of her private vehicle was smashed while she was driving on May 27, 2001 (App. D26, at 60a); in early July all outside lights suddenly went out leaving her residence in darkness (Petitioner is now staying at the cottage on the property and not in her residence) during which time a break in occurred and home was vandalized (App. D27 at 61a); in mid July 2001, Petitioner's father who was in excellent health, suddenly fell very ill for no apparent reason and was hospitalized for what was diagnosed as a stroke. His situation is now stabilized and he is back home. Petitioner is concerned for her safety, the safety of her family and the safety of the evidence. Based on facts, testimony and evidence Petitioner is holding the Ridgefield Defendants, specifically Ridgefield Bank's Board of Directors and its president responsible for these far reaching manipulations, chemical warfare and attacks designed to intimidate her into withdrawing this action with the intent to fully harm her and her family if she doesn't.

REASONS FOR GRANTING THE WRIT OF CERTIORARI

I.

THE CONNECTICUT COURT OF APPEALS HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH CIVIL LITIGANT'S RIGHTS TO DUE PROCESS AND TO EQUAL PROTCETION OF THE LAWS

The United States Supreme Court has held that the Due Process Clause protects individuals against two types of government action: "Substantive Due Process" protects individuals against government conduct that "shocks the conscience" (*Rochin v. California*, 342 U.S. 165,172, 72 s.Ct. 205, 96 L.Ed 183 (1952), or interferes with rights implicit in the concept of ordered liberty (*Palco v. Connecticut* 302 U.S. 319, 325-26, 58 s.Ct.149, 82 L.Ed 288 (1937)). When government action deprives the person of life, liberty, or property and it does not violate substantive Due Process, it must still be implemented in a fair manner (*Mathews v. Eldridge*, 424 U.S. 319, 335,96 s.Ct. 893, 47 L.Ed.2d 18 (1976)). This requirement has traditionally been referred to as "Procedural Due Process." (*United States v. Salerno*, 482 U.S. 739, 746, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987)).

For more than a century, the central meaning of procedural Due Process has been clear: "parties' rights are to be effected or entitled to be heard; and in order that they may enjoy that right they must first be notified." (*Baldwin v. Hale, 1 Walo.*223,233,17 L.Ed. 531; *Wenzor v. McVeigh*, 93 U.S. 274, 23 L.Ed. 914; *Hovey v. Elliot*, 167 U.S. 409, 17 S.Ct. 841, 42 L.Ed. 215). It is equally fundamental that the right to notice and an opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." (*Armstrong v. Manzo*, 380 U.S. 545, 552,85 S.Ct. 1187, 1191, 14 L.Ed.2d 62).

As to exactly the extent to which Due Process requires an evidentiary hearing prior to the deprivation of some type of property interest, The Supreme Court of The United States has implied that the "due process, unlike some legal rule, is not a technical conception with a fixed content unrelated to time, place, and circumstance," (*Cafeteria Workers v. McElroy*, 367 U.S. 886,895,89 S.Ct. 1743,1748,6 L.Ed.2d 1230 (1961)), but is, indeed, more flexible. " Due process is flexible and calls for such procedural protections as the particular situation demands." *(Morrissey v. Brewer*, 408 U.S. 471,481, 92 S.Ct. 2593,2600,33 L.Ed.2d 484 (1972)).

Accordingly, resolution of the issue whether the Interlocutory Order transferring this matter from one venue to another, in the interest of managerial judging, without a notice or a hearing in the originating court, against compelling objections, and although a trial judge in the originating court committed to supervise the case to trial, requires analysis of the governmental and private interests that are affected (*Arnett v. Kennedy*, 416 U.S. 134, 166, 94 S. Ct. 1633, 1650, 40 L.Ed.15 (1974)).

More precisely, prior decisions of The Supreme Court of The United States indicate that identification of the specific dictates of Due Process generally requires consideration of three distinct factors: first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used and the probable value, if any, of additional of substitute procedural safeguard; and, finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. (*Goldberg v. Kelly*, 397U.S. 263-271, 90 S.Ct. 1011,1018-1022).

In an effort to more efficiently manage the increased burgeoning complex litigation, the State of Connecticut recently implemented the so-called Complex Civil Litigation Docket, which

is governed by Superior Court Rules-Civil Matters Rules 23-13,23-14, and 23-15 (See "Statutory Provisions Involved" page 1.) Public Act 99-215, Section 27, subsection (a) provides for a transfer of an action to the complex litigation docket. But as some have already observed, managerial judging in complex litigation courts wielding such controlled judicial discretion that is, by and large, not appealable, raises questions about Due Process:

"... Critics of the new model of managerial judging initially point to the due process concerns as an area of controversy. They cite the problem of uncontrolled judicial discretion, realizing that most decisions made at the pretrial stage of litigation are not appealable." (FN17) (*Elliot, supra* note 2, at 314.) "Judicial *96 management decisions made during pretrial stages can have important and far-reaching consequences as the opportunities for appellate review of those rulings are extremely limited." *95; "...the right of individual access to the court must be protected." *93 (Managerial Judging, A principled Approach To Complex Cases In State Court, by Barry R. Schaller, 68 Conn. B.J. 77, April, 1994;

"Frankly...they ought to do away with it. But- - but since they haven't done away with it, at least they stopped arguing the things in short calendar. " (Hon. Judge Taggart Adams about the Connecticut Complex Litigation Docket, as stated at the Danbury Superior Court, Danbury, Connecticut on October 16, 2000, Status Conference hearing, Transcript, Page 47 Lines 9-11.)

"As managers, judges learn more about cases much earlier than they did in the past. They negotiate with parties about the course, timing and scope of both pretrial and posttrial litigation. These managerial responsibilities give judges greater power. Yet the restraints that formerly circumscribed judicial authority are conspicuously absent. Managerial judges frequently work beyond the public view, off the record, with no obligation to provide written, reasoned opinions, and out of reach of appellate review.

It gives trial courts more authority and at the same time provides litigants with fewer procedural safeguards to protect them from abuse of that authority. In short, managerial judging may be redefining sub silento our standards of what constitutes rational, fair, and impartial adjudication." *378 "Although judges can and should exercise substantial authority over court procedures, the framers of the constitution foresaw the need for Congress to play a role in structuring the problems that implicate the rights of all citizens, *445 are simply too important to be left to the discretion of judges alone." *443 "The effective power of judges is considerably greater at the pretrial stage than in postdecision enforcement. During pretrial supervision, judges make many decisions informally and often meet with parties ex parte, and appellate review is virtually unavailable. The judge has vast influence over the course and eventual outcome of the litigation. As a result, litigants have good reason to capitulate to judicial pressure rather than risk the hostility of a judge who, under the individual calendar system, has ongoing responsibility for the case. During pretrial management, judges are restrained only by personal beliefs about the proper role of judge-managers. In contrast to posttrial supervision, because pretrial management is judge initiated, invisible, and unreviewable, it breaks sharply from American norms of adjudication." *412 (Managerial Judges, by Professor Judith Resnik, 96 Harv. L. Rev. 374 *378 (1982));

"... Some of these procedural reforms appear to be advocated and propagated by those whose interests are to be served by a decline in adjudicatory procedure. For example, many defendants (and their attorneys) in products liability and antitrust cases have championed the curtailment of discovery and now seem intrigued by ADR as means of protecting themselves from negative publicity and from outcomes they have disliked." (FN213) *537 "Because I still have faith that procedure has dignitary functions, (FN234) and because I lack utter faith in the unbounded and disinterested wisdom of government and of powerful lawyers and litigants, I am unwilling to turn over the task of procedural modeling to those who

evidence blind faith in alternatives to adjudication or who evidence no faith at all." (Failing Faith: Adjudicatory Procedure in Decline, by professor Judith Resnick, 53 U. CHICAGO L. REV. 494 * 544 (1986));

Unfortunately, Judge Langenbach's Interlocutory order transferring this matter in the manner that he did was an unjustified or mistaken deprivation of Petitioners' life, liberty, or property and, therefore, a violation of the Petitioner's Due Process rights (*Carey v. Piphus*, 435 U.S. 247,259, 98 S.Ct. 1042, 55 L.Ed.2d 252 (1978)). Further, as a result of the transfer to the Complex Litigation Docket where the Petitioner could not get a fair hearing and which lead to subsequent appeals, proceedings in the case have been so severely interrupted that the action has improperly come to a dead stop. This put Managerial Judging and Due Process on a collision course that had an adverse effect on the Plaintiffs and their ability to litigate this matter, to the benefit of the Defendants, in a litigation that was already grossly mismatched.

"Discretion accorded to the trial court on questions of law is legal discretion, to be exercised in conformity with the spirit of the law and in a manner to subserve and not to impede or defeat the ends of substantial justice." *Halloran v. Town of North Canaan*, 32 Conn. App. 611, 630 A2d 699 (1984). The Court's ruling in this matter is contrary to the spirit of the law and the ends of substantial justice.

In *Doe v. Yale University*, 2000 WL 1683401, Conn. Super., 2000 (October 13, 2000), Judge Sheldon ruled on facts similar to Petitioners', that the matter should not have been transferred to the Complex Litigation Docket. In *Doe v. Yale University*, the Plaintiff objected to the Defendant's application to transfer to the Complex Litigation Docket citing that the case was not complex for the court to resolve before or during trial and that plaintiff's ability to attend the trial on a daily basis would be severely compromised by moving the trial far away from its original venue. In addition, plaintiff cited her HIV infection as a factor and in the long geographical distance

between her home and the Complex Litigation court. Similarly to the Plaintiff in *Doe v. Yale University,* the Petitioner argued that the transfer would cause extraordinary physical and financial hardships; that although the case had multiple parties the matter was not too complex for the Court; that Petitioner was *In Pro Se* and her ability to both manage and attend Court appearances would be severely compromised; that Petitioner's "part time" attorney suffered from Multiple Sclerosis and would be unable to both drive to hearings in Stamford and service her clients in Ridgefield; and that all of the Plaintiffs and two of the defendants were local residents.

In *Doe v. Yale University* Judge Sheldon returned the case from the Complex Litigation Docket to its original venue reasoning that the case was not particularly complex, that the matter would be assigned to a single judge to manage through to trial in the original venue, and most importantly, as Judge Sheldon stated, "...the central purpose of the Complex Litigation Docket is to assist the Civil Division as a whole to handle it's case load fairly and efficiently. ...when transfer of a case to the Complex Litigation Docket will afford no special benefit either to the litigants in that case or to other civil litigants in the courthouse from which it comes, the better course is to return the case to its original court of origin..." Indeed, the Danbury judge, Judge Adams, expressed a willingness to have the matter assigned exclusively to him in order to satisfy defense counsel's only concern that a single judge manage the matter through to trial. "...having a single judge handle the case would serve valuable judicial resources that would otherwise be expended if several judges had to become acquainted and reacquainted with the facts and procedural status of the case."

"...to insure fairness and due process to all parties, full opportunity must be given to attorneys and pro se litigants to be heard prior to the rendition of each case management order." *93 "The rules should define complex cases, provide a general operating format for managerial judges and should authorize other specific

measures that may be necessary in individual cases ... provided that no single factor or set of factors shall be controlling, in recognition that individual cases may have unique features." *88 "On Fairness and Due Process – in addition to the problems (with managerial judging) noted above, all of which implicate fairness and due process concerns, additional problems include... accommodating the special needs of pro se parties..." *87; (Excerpts from Managerial Judging, A Principled Approach To Complex Cases In State Court, by Barry R. Schaller, 68 Conn. B.J. 77 April, 1994):

Based on *Doe v. Yale University*, supra, Administrative Judge, Hon. Judge Langenbach and the Complex Litigation Docket Judge, Hon. Judge Tierney should have considered the Petitioner's frail physical, financial and logistic abilities to litigate the case long distance and the willingness of a single judge in the originating court to oversee the case, and should have kept the matter with Judge Adams in the Danbury Superior Court.

Although a hearing on the Petitioner's objections was subsequently afforded to her, unfortunately by this time the matter had already been transferred to Judge Tierney at the distant Complex Litigation Docket in Stamford. At the hearing on November 15, 2000, Judge Tierney gave little or no consideration to the hardships the Petitioner and her counsel, Joyce Morin, would have to endure resulting from the transfer to his Court nor to her plea that the transfer was unnecessary as the matter was not complex, but merely involved multiple defendants. Instead, the hearing became a demonstration of the extreme latitude the Complex Litigation Docket was afforded in case supervision, departing from the traditional adjudication standards without providing the Petitioner a "road map" as to what infrastructure of rules and policies she was subjected to at that Court. Further, Judge Tierney turned a deaf ear and denied this pro se litigant's special need for zealous counsel to guide her through the process in spite of her repeated cries for help. Judge Tierney abused his discretion and violated Petitioner's due process rights by depriving her of the

safety net of the Connecticut Rules and Procedures afforded to all civil litigants in other State Courts; denying her right to counsel; and further humiliating her by overruling her numerous objections from the bench without a written memorandum or even a verbal explanation for his ruling. "We should require judges to act in public and to state reasons for their decisions." *429 "Proponents of management may be forgetting the quintessential judicial obligations of conducting a reasoned inquiry, articulating the reasons for decision, and subjecting those reasons to appellate review- characteristics that have long defined judging and distinguished it from other tasks. (FN219) Although the sword remains in place, the blindfold and scales have all but disappeared."(Managerial Judges, by professor Judith Resnick, 96 HARV. L. REV. 374.* 429 (1982));

As stated above, the due process clause of the Fourteenth Amendment requires that, where government action deprives a person of life, liberty, or property, government action must be implemented in a fair manner and that government action must be meaningful. (*Matthews v. Eldridge*, 424 U.S. 319, 335, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976)), (*Armstrong v. Manzo*, 380 U.S. 545,552,85 S.Ct. 1187,1191, 14 L.Ed.2d 62). Thus, Judge Tierney's bowing to Defendants' litigation tactics (Defense attorneys are located in Stamford, Connecticut) in a "staged" hearing during which the Petitioners' due process rights were diluted was not "meaningful" and his interlocutory order overruling Petitioner's objections to the transfer of the case in that manner violated that requirement.

In the State of Connecticut, the case of *State v. Curcio* (1983) 191 Conn. 27, 463 A.2d 566, holds that an interlocutory order may be reviewed on appeal as a final judgment. The *Curcio* case when seen in tandem with the issues of due process raised by the Appellants including the Courts failure to rule on properly filed motions; their failure to cite in indispensable party defendants; their deviation from state adjudication standards in the interests of streamlining litigation in a Managerial Judging approach, a substantial public

interest is lost and therefore the *Curcio* case supports Appellate Court jurisdiction. That is to say that, when the trial court violated appellants' various due process rights that should have been afforded to them at all times, and The Complex Litigation Docket allowed for neither a fair nor meaningful hearing on the transfer of their case, then appellants rights were "concluded."

In *Curcio,* there are two prongs by which "finality" can be achieved and an appellate jurisdiction activated. For purposes of this Petition, the second prong, or test for finality, which focuses on the potential harm to the appellant's rights, will be discussed. Interlocutory order will be deemed final for purposes of appeal only if it involves a claimed right "the legal and practical value of which would be destroyed if not vindicated before trial." (*Curcio* at 33-34, 463 A.2d 566). The second prong of *Curcio,* then, requires appellant that the trial court's orders threatened the preservation of a right or rights already secured to them in that the right or rights will be irretrievably lost and plaintiff irreparably harmed unless they take an immediate appeal. (*State v. Garcia,* 1995, 233 Conn. 44, 62-65, 658 A.2d 947) Appellant must only make a "colorable claim that some recognized statutory or constitutional right is at risk." (*United States v. Ellis,* 646 F2d 132, 134 (4th Cir. 1981); *State v. Seravalli* (1983) 189 Conn. 201, 455 A.2d 852).

Once Petitioner's case was transferred from Danbury, without a hearing, to Stamford, where the hearing on objections and other matters was neither fair nor meaningful, the finality test as described in *Curcio* was met because Petitioners' were forever barred from pursuing the case in the Danbury Superior Court subject to State adjudication standards, and could not get a fair hearing in the Stamford Court, afforded extreme and undefined latitude over and above those standards. Thus, petitioner make a very colorable claim that Judges Langenbach and Tierney's Orders have destroyed her right to litigate this case in the Danbury Superior Court; a right that was irretrievably lost, thereby

irreparably harming Petitioner once her due process rights were violated by Judge Tierney's Complex Litigation Docket.

Therefore, the Court of Appeals of the State of Connecticut should have denied the Defendants' Motion to Dismiss Appeal based on their argument that appeal was interlocutory and should have allowed a review of each of the issues presented in the Appellants' Brief. The Court should have recognized that an interlocutory order becomes "final" and thus subject to an appeal and to the Court's jurisdiction where individual litigants' due process rights are violated by that order.

Further, the Fifth Amendment of the United States Constitution insures criminals' right to counsel leaving out civil litigants' rights to counsel. In this civil litigation, the Petitioner/Plaintiff is denied this right. The Petitioner presented this issue at the October 16, 2000 Status Conference at the Danbury Superior Court before Hon. Judge Taggart Adams, and then again at the November 15, 2000 hearing, at the Complex Litigation Docket in Stamford, Connecticut. These honorable judges should have appropriately insured this pro se litigant's right to counsel because without zealous counsel a civil litigant will be denied due process in any court, whether in the Danbury Superior Court or in the Complex Litigation Docket in Stamford, Connecticut.

II

THE DUE PROCESS ISSUES RAISED ARE IMPORTANT FEDERAL QUESTIONS THAT HAVE NOT BEEN, BUT SHOULD BE, SETTLED BY THIS COURT

In addition to resolving the issue that an interlocutory order becomes "final" and thus appealable where an individual litigant's due process rights are violated by that order, and that due process

indeed supercede court's administrative considerations, this conflict is important because its resolution will determine:

I. That in order to insure that due process is not compromised in cases being considered for a transfer to Complex Litigation Courts certain safeguards must be implemented by the state prior to the rendition of each management order. Further, Complex Litigation Courts that deviate from their state's adjudication standards must follow an adopted body of rules and procedures that is well - publicized and accessible to all litigants.

"During the past decade, enthusiasm for the managerial movement has become widespread; (FN19) what began as an experiment is likely soon to become obligatory. Unless the Supreme Court and Congress reject proposed amendments to the Federal Rules, (FN20) pretrial judicial management will be required in virtually all cases." (Managerial Judges, by professor Judith Resnick, 96 HARV. L. REV. 374 * 378 (1982));

As of 1994 only three states in the United States have adopted such comprehensive measures: "Aside from Vermont, California and Delaware, no other states have adopted comprehensive bodies of rules which provide adequate guidance for judges, litigants and lawyers with respect to the judicial management of complex litigation. (FN14) It is essential that state court judges be guided by established rules and procedures which enable them to preserve the due process rights of litigants while they efficiently manage complex cases. (Managerial Judging, A Principled Approach To Complex Cases In State Court, by Barry R. Schaller, 68 Conn. B.J. 77 *80, April, 1994);

Such safeguards will minimize the risks associated with pretrial managerial judging at Complex Litigation Courts, such as: excessive judicial power; threats of impartiality; limited access to the court; lack of appellate review; violations of due process; and the

significant impact managing judge's individual belief system and integrity has on a given case.

II. In order to insure fairness and due process to all litigants, the Constitution of the United States of America must protect all its citizens' right to counsel not only its criminals. The vulnerabilities of civil litigants vary from case to case and those vulnerabilities should be identified, categorized and accommodated, accordingly. Without this constitutional protection, the rights of all civil litigants hang in the balance.

III.

CONCLUSION

An interlocutory order becomes "final" and thus appealable where an individual litigant's due process rights are violated by that order. Upon application, a matter should not be simply transferred to a managerial judge without a hearing in the court where the application was made. Also, litigant's objections to the transfer of a case to a managerial judge and docket should be given fair and meaningful consideration, not *ad hoc* and summary dismissal.

To insure that litigants' due process rights are not compromised in cases being considered for a transfer to Complex Litigation Courts, certain safeguards must be implemented by the state prior to the rendition of each management order and pretrial judicial management in Complex Litigation Courts must follow an adopted body of rules and procedures that is well -publicized and accessible to all litigants.

A civil litigant who is denied counsel is denied due process rights and the equal protection of the laws. The Constitution of the Unites States and the judicial system must protect its civil litigants' right to counsel not only its criminals' right to counsel.

Respectfully Submitted,

/S/_____

Yvonne Liebel, Pro Se
106 Great Hill Road
Ridgefield, Connecticut 06877

APPENDIX A

NO. A.C.21419
ALLIANCE FOUNDATION, INC.
ET AL.
: APPELLATE COURT
V.
: STATE OF CONNECTICUT
EUGENE GRANT ET AL.
: MARCH 21,2001

ORDER

THE MOTION OF THE DEFENDANT-APPELLEE, FILED JANUARY 10, 2001,
TO DISMISS APPEAL
HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY ORDERED GRANTED.

BY THE COURT,

*SCHALLER, J. IS RECUSED.

/S/_____
ASSISTANT CLERK-APPELLATE
Susan C. Reeve

NOTICE SENT: MARCH 22, 2001
Joyce A. Morin /Yvonne Liebel, pro se
Robinson & Cole, LLP
Rucci, Burnham, Carta & edelberg, LLC
Curtis, Mallet-Prevost, Colt & Mosle, LLP
Halloran & Sage, LLP
Hon. Kevin Tierney
Clerk, Superior Court, Danbury
CV00 0338520S
PAC

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635/002689

APPENDIX A1

STATE OF CONNECTICUT
SUPREME COURT

NO. DBD CV00-0338142S
DTL-USA, INC. ET AL.
V.
RIDGEFIELD BANK :APRIL 24, 2001

ORDER

The Motion Of Yvonne Liebel, Filed April 24, 2001, "To Extend Time To File Joint Petition For Certification To The Supreme Court with The Alliance Foundation, Inc. And Yvonne Liebel v. Eugene Grant et al., Appellate No. A.C. 21419/Docket No.CV00-0338520S and Eugene Grant v. The Alliance Foundation, Inc., CV00-0341050S; Eugene Grant v. Alliance Capital, Inc., CV00-0341049S; And Eugene Grant v. Alliance Capital, Inc., CV00-0341048, Pursuant to CGS Section52-265a," Is Hereby Ordered Granted To The Extent That An Extension To April 25, 2001, Is Granted To File a Petition To The Chief Justice Pursuant To General Statutes Section 52-265a From The Trial Court Action Transferring The Case To The Complex Litigation Docket This Action Does Not Authorize The Movant To Join Any Petition Filed Pursuant To General Statutes Section 52-265a With A Petition For Certification In A.C. 21419 Filed Pursuant To General Statutes Section 51-197f."

To the extent that the motion appears also to seek an extension of time to file petition pursuant to G.S. Section 52-265a in CV00-0341050, CV00-0341049 and CV00-0341048, the motion is denied.

SULLIVAN, CJ.,

/S/BY_____
FRANCIS J. DRUMM JR.
CHIEF CLERK

NOTICE SENT: APRIL 24, 2001
YVONNE LIEBEL
KEVIN AHERN
ROBINSON AND COLE LLP
RUCCI, BURNHAM, CARTA & EDELBERG, LLC
JOYCE A. MORIN
CURTIS MALLET-PREVOST, COLT & MOSLE, LLP
HALLORAN & SAGE, LLP
CLERK, DANBURY J.D.
HON. KEVIN TIERNEY

APPENDIX A2

STATE OF CONNECTICUT
SUPREME COURT

NO. DBD CV00-0341050S
EUGENE GRANT
V.
THE ALLIANCE FOUNDATION, INC.

NO. DBD CV00-0341049S
EUGENE GRANT
V.
ALLIANCE CAPITAL, INC.

NO. DBD CV00-0341048S
EUGENE GRANT

V.
ALLIANCE CAPITAL, INC. :APRIL 24, 2001

ORDER

The Motion of Yvonne Liebel, filed April 24, 2001, "To Extend Time To File Joint Petition for Certification to the Supreme Court with The Alliance Foundation, Inc. and Yvonne Liebel v. Eugene Grant et al., appellate No. A. C. 21419/Docket No. CV00-0338520S, and DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank, Docket No. CV00-0338142S, pursuant to General Statutes Section 52-265a," is hereby ordered denied."

SULLIVAN, CJ.,

/S/BY_____
FRANCIS J. DRUMM JR.
CHIEF CLERK

NOTICE SENT: APRIL 24, 2001
YVONNE LIEBEL
KEVIN AHERN
ROBINSON AND COLE LLP
RUCCI, BURNHAM, CARTA & EDELBERG, LLC
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HALLORAN & SAGE, LLP
CLERK, DANBURY J.D.
HON. KEVIN TIERNEY

APPENDIX A3

STATE OF CONNECTICUT

Francis J. Drumm, Jr. **SUPREME COURT** 231 capitol Avenue
Chief Clerk **APPELLATE COURT** Drawer Z. Station A
860-757-2200 Hartford, CT 06106

April 27, 2001

Ms. Yvonne Liebel
Suite 300
54 Danbury Road
Ridgefield, CT. 06877

Re: The Alliance Foundation, Inc., et al.
v. Eugene Grant et al. AC 21419 (DBD CV00-0338520)
DTL-USA, INC., et al. v. Ridgefield Bank
(DBD CV00-0338142S)

Dear Ms. Liebel:

The Chief Justice today denied your "Joint Petition for Certification to the Supreme Court" filed pursuant to General Statutes Sections 52-263, 52-265a and Practice Book Section 84-2(4)."

Very truly yours,
/s/_____
Francis J. Drumm

Cc:

Joyce A. Morin
Kevin W. Ahhern
Robinson & Cole, LLP
Rucci, Burnham, Carta & Edelberg, LLC
Curtis Mallet- Prevost, Colt &Mosle, LLP
Halloran & Sage, LLP
Clerk, Danbury Judicial District
Hon. Kevin Tierney

APPENDIX A4

STATE OF CONNECTICUT

Francis J. Drumm, Jr. **SUPREME COURT** 231 capitol Avenue
Chief Clerk **APPELLATE COURT** Drawer Z. Station A
860-757-2200 Hartford, CT 06106

May 7, 2001

Ms. Yvonne Liebel
Suite 300
54 Danbury Road
Ridgefield, CT. 06877

Re: The Alliance Foundation, Inc., et al.
v. Eugene Grant et al. AC 21419 (DBD CV00-0338520)
DTL-USA, INC., et al. v. Ridgefield Bank
(DBD CV00-0338142S)

Dear Ms. Liebel:

On April 27, I wrote that the Chief Justice denied your "Joint Petition for Certification to the Supreme Court" filed pursuant to General Statutes Sections 52-263, 52-265a and Practice Book Sections 84-2(4).

The letter should have read and is now corrected to read; "The Chief Justice today (April 27) denied your 'Joint Petition for Certification to the Supreme Court' filed pursuant to General Statutes Sections 52-263, 52-265a and Practice Book Sections 84-2 (3), (4), and (5). The petition is dismissed as to Eugene Grant v. The Alliance Foundation, Inc. (DBD CV00-0341050), Eugene Grant v. Alliance Capital, Inc. (DBD CV00- 0341049) and (DBD CV00-0341048) because the movant is not a party in those matters."

Very truly yours,
/s/_____
Francis J. Drumm

Cc:
Joyce A. Morin
Kevin W. Ahhern
Robinson & Cole, LLP
Rucci, Burnham, Carta & Edelberg, LLC
Curtis Mallet- Prevost, Colt &Mosle, LLP
Halloran & Sage, LLP
Clerk, Danbury Judicial District
Hon. Kevin Tierney

APPENDIX A5

APPELLATE COURT
Of The
STATE OF CONNECTICUT

A. C. 21419
THE ALLIANCE FOUNDATION, INC. ET AL
Plaintiffs
V.
EUGENE GRANT, ET AL
Defendants

Appeal from Superior Court

BRIEF OF PLAINTIFFS/APPELLANTS (WITH SEPARATE APPENDIX Vol. I, Vol. II and Vol. III)

JOYCE A. MORIN
Attorney for the Plaintiffs

YVONNE LIEBEL
PRO SE
54 Danbury Road, Suite 300
Ridgefield, CT 06877
Tel. (203) 431-8655
Fax: (203) 438-0040

JANUARY 25, 2001

To Be Argued By:
YVONNE LIEBEL
Legal Research By:
KEVIN W. AHERN, ESQ.

STATEMENT OF THE ISSUES

page

The Court through its conduct violated the Plaintiffs' right to due process of law as guaranteed under the Fourteenth Amendment of the Constitution of the United States of America as follows:

I. Whether the trial court (Langenbach, J.) erred/or Abused its discretion in granting the Defendant's application for case referral-complex litigation docket (CLD) to Stamford, Connecticut.....

II. Whether the trial court (Tierney, J.) erred and/or Abused its discretion in overruling the Plaintiffs' objection to the Defendant's application to transfer the case to the complex litigation docket in Stamford, Connecticut.....8

III. Whether the trial court erred and/or abused its Discretion when it failed to act on the Plaintiffs' motion for joinder of additional plaintiffs on five (5) separate occasions.....9

IV. Whether the trial court (Adams, J.) erred and/or abused It's discretion when it ordered the Plaintiffs to file a final complaint within 7 days, to include all potential new Plaintiffs and Defendants, while the case was still unfolding and while knowing that the Plaintiffs had just lost their in-house counsel and further denying a motion for continuance.....11

V. Whether the trial court erred and/or abused its discretion when it failed to act on the Plaintiffs' motion for joinder of additional Plaintiffs on five (5) separate occasions, causing the proposed additional Plaintiff to become Defendant in new law suits filed on November 20, 2000 by one of the Defendants.....13

VI. Whether the trial court erred and/or abused its

discretion when it failed to act on the Plaintiffs' motion for joinder of additional plaintiffs on five (5) occasions, causing the Plaintiffs inability to move to consolidate with the DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank retroactive to 9/18/2000.....15

VII. Whether the trial court (Adams, J. and Hiller, J.) erred And/or abused its discretion when it failed to act on the motion to consolidate on October 24, 2000, retroactive to September 18, 2000.....17

VIII. Whether the trial court erred and/or abused its discretion when it denied the Plaintiffs' motion to cite in PricewaterhouseCoopers, LLP and Reynolds and Rowella, LLP., As new party defendants.....19

Appendix B – Status Conference Transcript Excerpts 10/16/01
(Hon. Taggart Adams, Judge)

APPENDIX B

DOCKET NO: CV00-0338520S
THE ALLIANCE FOUNDATION, INC.
ET AL : SUPERIOR COURT OF
: CONNECTICUT
-VS- :JUDICIAL DISTRICT
:OF DANBURY
EUGENE GRANT, ET AL. :OCTOBER 16, 2000

BEFORE:

THE HONORABLE TAGGART D. ADAMS, JUDGE

APPEARANCE:

JOYCE MORIN, ESQ.
559 RT 6
P.O. Box 110
Mahopac, NY 10541
Attorney for Plaintiffs

ARTHUR K. ENGLE, ESQ.
Robinson & Cole LLP
695 E. Main Street
P.O.Box 10305, Stamford, CT 06804
Attorney for Eugene Grant

TRANSCRIPT OF STATUS CONFERENCE
HELD ON OCTOBER 16, 2000
Patricia Hubertus, Court Monitor

* * *

Page 21, lines 25-27

MR.ENGLE: Your honor, I have one question which is that, if this case is not transferred to the complex litigation docket, am I correct that you would not be overseeing this case in it's entirety?

Page 22 lines 1- 24

THE COURT: No, you're not
MR. ENGLE: You would be overseeing this case in it's entirety?
THE COURT: I'm going to find out if I can.
MR. ENGLE: Because that's...
THE COURT: I may go home and shoot myself.
MR. ENGLE :Because..
THE COURT: But that's one of the things I'm thinking about
MR. ENGLE: Because one of the reasons that we are applying for- - for transfer is that we want one judge- -
THE COURT: Right (Petitioner comment: here Judge Adams said: "I'm one Judge" this is an error in the transcript)
MR. ENGLE: (continuing)- - who will be able to oversee the entire process- -
THE COURT: Right.
MR.ENGLE : (continuing)- - and be able to- - not sort of pass the buck.
THE COURT: Right.
MR. ENGLE: So that's one- -
THE COURT: Well, if I have anything to do with it, the buck is not going to get passed. You may not like that.

APPENDIX B1

Page 36, lines 11-14

THE COURT: No. I said I'd do it in forty eight hours.
MR.FOGERTY: (attorney for the Defendant: Ridgefield Bank): All right. So you do that- -
THE COURT: October 26th.

APPENDIX B2

THE COURT: All right. Well, Ms. Liebel, I'm going to ask you one question very quickly. And that is, if you are so unfamiliar with the legal process and the judicial system, I guess my question is, why are - - you proceeding pro se?

MS. LIEBEL: Well, initially in 19- - in May 1997 I tried to go the conventional way. I went to various attorneys and tried to explain to them. But Your Honor, it may sound very impossible to you because you are in the system, but for me I found it totally impossible in this particular case to get counsel.

People just - - either this is not popular to people or it's just that they don't want to go against a very large law firm or bank because it presents business or presents difficulties. Most of the people I went to were self practitioners thought that it would be difficult for them to take this on. And big law firms do not like to go against other big law firms. And I'm not trying to put anyone down, and I have certainly a great respect for the justice system in this country because I am a foreigner, and I have seen other systems.

So all I'm saying, this is the experience of one woman, and it has been tough uphill battle. And I'm looking for the Court in some way to provide us some guidance where - - where the Court finds it necessary.

THE COURT: All right. Thank you.

Appendix C – Complex Litigation Docket Transcript Excerpts 11/15/01 (Hon. Kevin Tierney, Judge)

APPENDIX C

SUPERIOR COURT
JUDICIAL DISTRICT OF NORWALK STAMFORD
AT STAMFORD
STATE OF CONNECTICUT

----------X

THE ALLIANCE FOUNDATION, INC. ET AL,

Plaintiffs, Case No. CV00-0033852S
Date: November 15, 2000

Vs.

EUGENE GRANT, ET AL,
Defendants.

----------X

BEFORE THE HONORABLE KEVIN TIERNEY, JUDGE

A P P E A R A N C E S:

YVONNE LIEBEL, PLAINTIFF PRO SE
JOYCE MORAN, ESQUIRE, Attorney for the Plaintiffs
JOSEPH CLASEN, ESQUIRE, Attorney for Defendant Grant
MICHAEL HOENIG, ESQUIRE (error: Mark Hoenig is Defendant)
DAVID STONE, ESQUIRE (error: David Stone is a Defendant)
Attorney for Weil, Gotshal & Manges
Error: the Attorney for above Defendants is Michael Stanton Esq.

BRIAN WILLE, ESQUIRE
KAREN LINDER, ESQUIRE, Attorneys for Nagro and Solomon
STEPHEN FOGERTY, ESQUIRE, Attorney for Ridgefield Bank

Susan Wandzilak, Registered Professional Reporter

APPENDIX C2

Page 59, Lines 14-20

THE COURT: The Practice Book has been decimated by the rule that we have. And, there are numerous areas in which the practice book is not applicable. Please read the practice book and read it with the rule that you have to see which portions have been eliminated for complex litigation.

Page 20, lines 14-25

THE COURT: I have computer access. I am one of seven judges in the State that has that because the complex judges do. Ms. Rush has access for the purpose of making corrections and we make corrections in the computers on a regular basis in the event that the documents that we actually review do not reflect exactly what the computer says.

Page 78 , lines 15-20

MS. LIEBEL: And I really frankly don't know all the rules and regulations. And if this court at some point can provide me with some advice...that would be enormous help to me.

Page 79, lines 11-14, 15-27, Page 80, lines 1-4

THE COURT: There is no such assistance capable of being given to you by the judicial branch of the State of Connecticut.

MS. LIEBEL: Yes, I understand. I would be willing to pay for someone to just guide me through the procedures, the rules and procedures or if the Court can appoint someone. I am actually against a very severe problem.

THE COURT: You cannot make a request of this Court for an advisory opinion.

APPENDIX C3

---

page 102, lines 6-18

THE COURT: In the main, I usually do not revisit the decisions that have already been made by other Superior Court Judges before the case was assigned to complex but I have the ability to do so. And the purpose of that is so that I can have consistent rulings. An example of an area in which I would not accept an order of the court, a request to revise, you must delete this phrase, I have now two conflicting decisions of two Superior Court judges in the same file. I am accepting none of those. I am going to void them both and I make my decision as to what the requests to revise contain. I will do that. (In Judge Adams' Status Conference on October 16, 2000 with regard to the request to revise issue: " Now, some of the requests to revise have already been ruled on by Judge Radcliff. All right. I'm not going back over any of that." Page 27, lines 10-12.)

APPENDIX C4

Page 64, Lines 12-23 C4

THE COURT: But Ms. Rush's chambers are here. My chambers are here. We have a locked door. You already understand that the locked door is difficult to get through. It accesses a public filing facility, Ms. Rush's office, two public courtrooms, the courtroom next door and my Courtroom, and a public restroom. No other locked door in the judicial branch seals off public access areas but it is locked because I am behind it. So, if I am the only one here and somebody is knocking at the door, I have to go to the door to open it up to find out whether it's safe.

APPENDIX C5

Page 35, lines 25-27, Page 36, lines

MS LIEBEL: After contacting over 30 attorneys, some of them are sole practitioners, some of them work for large firms, I tried to secure appropriate litigation counsel for myself and the plaintiff corporations of which I am their president. But, to this date, I have been denied fair and just representation. The two most common problems, Your honor, that I have encountered in this saga of mine were that either attorneys did not take the case, or worse, that they took the case but either withheld information or provided me with incorrect information under the guise of a legal opinion.

In the process, said attorneys squandered my limited funds and valuable time and became an absolute barrier to justice. Therefore, in addition to the significant imbalance of power between us, the plaintiffs, and the defendants in this case, the rights, my

rights, as a citizen and as president of these corporations as well as the rights of these plaintiff corporations to fair and just representation are denied and I feel they are violating our basic rights to justice. It is not that I did not want to spend money on this litigation. Your honor, I have spent a small fortune. I am in huge debt so far. And I am just- - there is one reason that I have been encountering all the time, why this is happening is because small practitioners or large legal firms do not seem to want to go against all these power opponents on the other side of this desk.

Page 80, Lines 10-14,

THE COURT: You are asking this Court to give you some sort of legal assistance or some sort of advice is not appropriate request that you should be making at this time or any other time unless you abide by those rules.

Page 80, Lines 21-24;

THE COURT: I know of no legal authority for this Court to consider appointing an advisor as to court proceedings for you. I know of no such method of doing so and I have over 20 years in providing legal aid assistance to people and litigants in the State of Connecticut and I still know of no such procedure.

MS. LIEBEL: Perhaps there are some other rules, Your Honor, that I am not aware of or I am not requesting them properly.

Page 81, Lines 1-3;

THE COURT: there may very well be rules that I am not aware of but it is your obligation to bring it to my attention. I don't know of any myself.

Page 94, Lines 19-22

THE COURT: You are not a lawyer but you are responsible to this Court as if you were an attorney. So your responsibility is to abide by the rules, okay.

APPENDIX C6

Page 37, lines 4-12

MS. LIEBEL: So, if you will be so kind, Your Honor, as to take into consideration when you make your decisions how difficult it is for me to drive to Stamford every time I need to file a document, every time I have to come to a hearing. Joyce has to come some distance. Physically it is very hard for her to do that and we are just very- - it's very much of a hardship considering where we are in this case.

Page 46, lines 14-27

MS. LIEBEL: Yes, Your Honor. Number one, on the issue that counsel can travel to Stamford just as easily as she can travel to Danbury, certainly that can be argued. But, the fact is that I also live in the Danbury area makes it so that she can travel both to the courthouse and to me and we can do all of this within- - at the same time. She can come and discuss things with me. She can work with me. She can sign documents with me and then we are just about ten minutes away, 15 minutes away from the courthouse. It makes it much easier for us to do so. She can not physically travel long distances so she would have to travel to me and then she would have to travel separately at times to Stamford.

Page 47, lines 1-18

Also, in addition to this, her time is very limited. She can only give me one to two days a week and much of this time is given both to consultation as well as travel. And, this is why this issue has become one of logistic nature.

Now, I understand if I was a lawyer in a law firm, this shouldn't be a problem, you can always send someone else to

replace. But, you are looking at it. This is it. I am the one that is typing. I am the one that is preparing. I am the one on the phone calls to outside counsel to try to get ideas and opinions on the various issues, sometimes successfully, sometimes not. And, so, I am the one that is doing all of this. I am the one that is traveling so this would be really extremely difficult. This is on the issue of physical handicap on my part.

On the issue of a single Judge... I understand that Judge Adams is a Harvard graduate - - I would imagine there is enough of a support system for the Judge to help him deal with issues of complex nature.

Page 49, Lines 13-20

THE COURT: The matter is submitted to the court. Objection to transfer t complex litigation dated November 9, 2000, denied. Objection to complex litigation October 12, 2000, denied. Objection to complex litigation October 31, 2000, denied. In effect, these three objections being the only objections, the objections are overruled. This matter is before this Court as the complex litigation judge.

APPENDIX C7

Page 47, Lines 23-27

MS. LIEBEL: On the issue of complexity of this case...you can say that it is actually a rather simple case because this comes down to a single woman who is a president of a corporation which is

Page 48

nonprofit who chose to take on a partner that liked what she did, supported what she did so much so that he decided to take over all of those intellectual assets, whatever, whatever assets that were

established over a ten year period of hard labor, blood , sweat and tears... And he thought that he could get away with all that...the partner and several other partners just decided that they could do better or wanted it for themselves, for whatever personal reasons they had, and have taken it...under fraudulent misrepresentation.

APPENDIX C8

Page 68, Lines 20-27 and Page 69, Lines 1-3 C8

THE COURT: I have a habit of rendering decisions from the bench that are complete with citations and quotations, all right, and I use those and pull them apart and give the decision so I don't have to spend the extra time writing and redrafting. It is extra time for me to be involved in the case and you get a complete decision that I can sign the transcript. And it is the same as another decision except it is different use of vocabulary that happens when you speak as opposed to writing.

Appendix D : Other Supporting Documents

APPENDIX D

STATE OF CONNECTICUT
SUPERIOR COURT-CIVIL DIVISION

APPLICATION FOR CASE REFERRAL-
COMPLEX LITIGATION DOCKET (CLD)

10/12/2000

11. Why should this case be referred to the CLD?

INSERT FOR NUMBER 11 "....Having a single judge handle the case would save valuable judicial resources that would otherwise be expended if several judges had to become acquainted and reacquainted with the facts and procedural status of the case. Therefore, this case should be transferred to the complex litigation docket."

Name and Address of Applicant: Eugene Grant c/o Robinson & Cole LLP, 695 E. Main St. Stamford, CT 06901
Signed: Arthur R. Engle

APPENDIX D1

No. CV 00-0338520-S	
THE ALLIANCE FOUNDATION, INC.	: SUPERIOR COURT
And YVONNE LIEBEL, et al.	: JUDICIAL DISTRICT OF
Plaintiffs	: DANBURY AT
v.	: DANBURY
EUGENE GRANT, et al.	: OCTOBER 12, 2000

Defendants,

OBJECTION TO DEFENDANT EUGENE GRANT'S APPLICATION FOR CASE REFFERRAL-COMPLEX LITIGATION DOCKET (CLD)

The Plaintiffs, The Alliance Foundation, Inc, et al. hereby object to Defendant, Eugene Grant's application for case referral-complex litigation docket (CLD) for the following reasons:

a. The Plaintiff Yvonne Liebel, is representing herself pro se as well as overseeing the representation of all Plaintiffs. This includes but is not limited to the preparation and filing of the voluminous documents responding to each of the multiple Defendants' motions, requests, demands, etc. Since the Plaintiffs do not have the funds to retain a full time counsel, Plaintiff, Yvonne Liebel is doing all the day to day tasks necessary for this litigation, as well as consulting with various attorneys as issues arise. Therefore, if the Court is located at a great distance she would have to travel extensively to reach the Court. This would cause undue hardship on Yvonne Liebel from a logistical, financial and physical perspective; would prejudice her ability to seek relief from this Court; and therefore maybe detrimental to the entire case;

b. Many witnesses will be from the Ridgefield Danbury area;

c. In the interest of justice, more than one judge's opinion would be beneficial to this case;

d. Judges in the Danbury Superior Court are just as competent as any others to understand the issues of this case;

e. Joyce A. Morin, attorney of record, is an in-house counsel for the Plaintiffs, working on a part-time basis of two days a week at a minimal fee, in order to assist this charitable organization and its related entities. Joyce Morin is a sole practitioner with her office in New York State. Attorney Morin is physically disabled because of Multiple Sclerosis and is therefore unable to drive long distances. Since the Danbury Superior Court is very close to the Plaintiffs' location, Morin is able to conduct her legal responsibilities within the limited time period allocated. Changing the geographical location of the court would create undue hardship on this attorney and extensive expense to the Plaintiffs should Plaintiffs have to retain alternate counsel. Plaintiffs do not have any income to support retaining an appropriate counsel who would be willing to take this case based on the generosity of Attorney Morin's terms;

f. All Plaintiffs as well as two of the Defendants are located in the Danbury area. None of the Plaintiffs and none of the Defendants are located in the areas of the proposed complex litigation courts.

In summary, these Plaintiffs pray that this Court deny Defendant's application for case referral to the Complex Litigation Docket and that this case remain with the Superior Court located at Danbury, Connecticut, in order that justice will prevail.

Respectfully submitted by: THE ALLIANCE FOUNDATION, INC. and YVONNE LIEBEL

/S/_____

BY: Joyce A. Morin, Juris No. 309822 and Yvonne Liebel, pro se

APPENDIX D2

ALLIANCE FOUNDATION VS.
GRANT, EUGENE CV-00-0338520-S

ORDER RE: COMPLEX LITIGATION
PURSUANT TO PUBLIC ACT 99-215 SEC. 27 (A), I ORDER THIS CASE TRANSFERRED TO THE COMPLEX LITIGATION DOCKET AT STAMFORD, HAVING DETERMINED THAT SUCH TRANSFER IS REQUIRED FOR THE EFFICIENT OPERATION OF THE COURTS AND THE PROPER ADMINISTRATION OF JUSTICE. ANY PARTY OBJECTING TO THE TRANSFER SHALL FILE SUCH OBJECTION ENTITLES "OBJECTION TO THE TRANSFER TO COMPLEX LITIGATION" WITH THE COURT AT STAMFORD.,123 HOYT ST., STAMFORD, CT 06905 WITHIN 20 DAYS OF THE DATE OF THIS ORDER, WHICH SHALL BE SCHEDULED FOR ARGUMENT BEFORE THE P J OF CLD AT STAMFORD. CONTINUE TO FILE ALL PAPERS IN THE ORIGINATING COURT UNTIL RECEIPT OF TRANSFER NOTICE. JOHN J. LANGENBACH, CHIEF ADMINISTRATIVE JUDGE.

YVONNE LIEBEL
54 DANBURY RD. SUITE 300
RIDGEFIELD, CT 06877

SUPERIOR COURT
146 WHITE STREET
DANBURY, CT 06810

DATED: OCT 24, 2000
DBD

APPENDIX D3

NO.CV00-0338520S

THE ALLIANCE FOUNDATION, INC. AND YVONNE LIEBEL, ET AL. — SUPERIOR COURT

V. — JUDICIAL DISTRICT OF DANBURY

EUGENE GRANT, ET AL. — NOVEMBER 15, 2000

MEMORANDUM OF DECISION

RE: PLAINTIFFS' MOTION TO CITE IN NEW PARTY DEFENDANTS

This Motion has been referred by Judge Adams.
The court, having reviewed all documentation provided by the parties, and the law applicable thereto, finds as follows:

1. As to Bridge to Brotherhood, Inc., Ira Millstein and Marvin Jacob: testimony and evidence relevant to the Plaintiffs' allegations would necessarily involve their relationship to and interaction with present defendants as to the alleged wrongdoing. A complete determination of the issues would be assisted and the interests of justice and judicial economy be better served by the inclusion of these parties. As to these, the Plaintiffs' Motion is granted. Plaintiffs shall take all requisite steps necessary to cite and add these parties no later than December 15, 2000.

2. As to PricewaterhouseCoopers, LLP, and Reynolds and Rowella, LLP: the allegations appear, at most, separate,

distinct and not closely connected with the charges against the Defendants. Their inclusion is not necessary to a complete and accurate determination of the issues and would complicate and confuse the issues. Therefore, the request to add these parties is denied.

/s/ Hiller, J.

APPENDIX D4

ALLIANCE FOUNDATION VS.
GRANT, EUGENE CV-00-0338520-S

THE COURT (TIERNEY, J.) HAS SCHEDULED A HEARING ON THE PLAINTIFF'S OBJECTION TO COMPLEX LITIGATION FOR WEDNESDAY, NOVEMBER 15, 2000 AT 10:00 A.M. AT 229 NORTH STREET , STAMFORD, CT. IN THE EVENT THAT THE OBJECTION IS OVERRULED, COUNSEL MUST BE PREPARED TO DISCUSS THE FILE IN DETAIL WITH THE COURT AND SHOULD BRING COPIES OF THE OPERATIVE PLEADINGS AND ANY OUTSTANDING MOTIONS.

DIRECT ALL QUESTIONS TO ROSE ANN RUSH, COURT OFFICER AT (2030 324-0227 EXTENSION 334.

YVONNE LIEBEL
54 DANBURY RD. SUITE 300
RIDGEFIELD, CT 06877

SUPERIOR COURT
146 WHITE STREET
DANBURY, CT 06877

DATED: OCT 25, 2000
DBD

APPENDIX D5

CV 00 0338520
Alliance Foundation, et al. v. Grant,
Eugene, et al. : SUPERIOR COURT

CV 00 0341048
Grant, Eugene M. v. Alliance Capital, Inc. : J.D. OF DANBURY

CV 00 0341049
Grant , Eugene M. v. Alliance Capital, Inc. : AT DANBURY

CV 00 0341050
Grant, Eugene M. v. Alliance Foundation : January 8, 2001

NOTICE
REGARDING THE FOLLOWING PENDING MOTIONS:

Alliance Foundation v. Grant CV 000335820
Motion # 133.25 Plaintiff's Motion to Consolidate with
CV 00 0338142 dated October 24, 2000

Motion #141 Plaintiff's Motion to Consolidate with CV 00 0341048 dated December 4, 2000

Motion #142 Plaintiff's Motion to Consolidate with CV 00 0341049 dated December 4, 2000

Motion #143 Plaintiff's Motion to Consolidate with CV 00 0341050 dated December 4, 2000

Motion #145 Defendant Eugene Grant's Objection to Motion to Consolidate with CV 00 034 1050 dated December 15, 2000

Motion #146 Defendant Eugene Grant's Objection to Motion to Consolidate with CV 00 0341048 dated December 15, 2000

Grant, Eugene v. Alliance Capital Inc. CV 00 0341048
Motion # 102 Defendant's Motion to Consolidate with CV 00 0338520 dated December 4, 2000

Motion #103 Plaintiff's Objection to Motion to Consolidate With CV 00 0338520 dated December 15, 2000

Grant, Eugene v. Alliance Capital Inc. CV 00 0341049
Motion # 102 Defendant's Motion to Consolidate with CV 00 0338520 dated December 4, 2000

Motion #103 Plaintiff's Objection to Motion to Consolidate With CV 00 0338520 dated December 15, 2000

Grant, Eugene v. Alliance Foundation CV 00 0341050
Motion # 102 Defendant's Motion to Consolidate with CV 00 0338520 dated December 4, 2000

Motion #103 Plaintiff's Objection to Motion to Consolidate With CV 00 0338520 dated December 15, 2000

The above motions and objections have been submitted to this court. Alliance Foundation, et al. v. Eugene Grant, et al., Docket No. CV 00 0338520 has been transferred to the Complex Litigation Docket, which transfer has been appealed. The "Grant v. Alliance" Cases (Docket No. CV 00 0341048, docket No. CV 00 0341049, and Docket No. CV 00 0341050) have been proposed for transfer to the Complex Litigation Docket. Under these circumstances, the above

motions to consolidate and the respective objections will not be acted on at this time.

The Court will review the status of these motions and these cases in (30) days unless developments suggest an earlier review.

/s/ Adams, J.

APPENDIX D6

GRANT. EUGENE M. VS.
ALLIANCE CAPITAL, INC. CV-00-0341048/49/50

NOTICE OF A HEARING:

THE COURT HAS SCHEDULED A HEARING ON THE DEFENDANT'S OBJECTION TO TRANSFER TO THE COMPLEX LITIGATION DOCKET DATED JANUARY 26, 2001. THE HEARING IS SCHEDULED FOR MONDAY, MARCH 12, 2001 AT 10:00 AM, AT 229 NORTH ST., STAMFORD CT BEFORE THE HON. KEVIN TIERNEY. ATTENDANCE IS MANDATORY. IN THE EVENT THE COURT OVERRULES THE OBJECTION, COUNSEL SHOULD BE PREPARED TO DISCUSS THE FILE IN DETAIL AND SHOULD BRING COPIES OF THE PLEADINGS. DIRECT ANY QUESTIONS TO ROSE ANN RUSH, COURT OFFICER AT 203-324-0227 EXTENSION 334.

SUPERIOR COURT
146 WHITE STREET
DANBURY, CT 06810

JOYCE A. MORIN
559 RTE. 6
P.O. BOX 110
MAHOPAC NY 10541

DATED: FEB 22, 2001 DBD

APPENDIX D7

A.C. 21419	:	Superior Court
Docket No. CV000338520	:	Complex Litigation
The Alliance Foundation, Inc. et al.	:	Docket at Stamford
v.	:	
Eugene Grant, et al.	:	February 2, 2001

ORDER

This Court, Tierney, J., replies to the Plaintiffs' Motion For Rectification of Transcripts, dated January 22, 2001.

The Plaintiffs have prefaced the PROPOSED CORRECTIONS section of Exhibit A by stating: " The proposed corrections listed below may not reflect all corrections both technical and of substance. This Transcript needs further review to accurately address further corrections."

This Court, Tierney, J., will only comment on "Transcript #1", November 15, 2000, since this court did not preside over the October 16, 2000 hearing in "Transcript #2." This court will rule only on the items numbered 1-20 in Exhibit A. This court has not been requested to review other portions of "Transcript #1." This order will be filed with the Appellate Court in accordance with Practice Book Section 66-5.

In accordance with Practice Book Section 66-5, this court, as the trial judge who presided over the November 15, 2000 hearing finds: (1) No hearing shall be held "at which arguments may be heard, evidence taken or a stipulation of counsel received and approved." (2) This court will "make such corrections or

additions as are necessary for the proper presentation of the issues raised or for the proper presentation of questions reserved." (3) This court has reviewed the PROPOSED CORRECTIONS contained in Exhibit A of Plaintiffs' Motion For Rectification of Transcripts dated January 22, 2001 and compared it with the complete transcript of November 15, 2000 hearing, submitted and certified by Susan Wandzilak, Registered Professional Reporter, who was the court reporter at the November 15, 2000 hearing. (4) Certain errors have been corrected as set forth in the following paragraphs of this ORDER; said paragraphs are numbered 1-20 to correspond with the paragraphs numbered 1-20 of the Plaintiffs' PROPOSED CORRECTIONS.

1. Page 1, line 4: "CV00-0338520S" replaces CV00-0033852S;
2. Page 1, line 12: "Morin" replaces Moran. Note: throughout the transcript, attorney Joyce Morin's name should be corrected. This court, therefore, will not reference further the incorrect spelling of Morin as Moran;
3. Page 1, lines 15-17: " MICHAEL K. STANTON, ESQUIRE, Attorney for Weil, Gotshal and Manges, Mark Hoeig and David Stone" replaces lines 15-17 entirely. Mark Hoenig and David Stone are parties represented by Attorney Stanton. Therefore " Mr. Stanton" must be substituted for Mr. Hoenig on page 9, lines 1, 6, and 10; and page 13, line 27.
4. Page 2, line 24: " Michael Stanton for Weil, Gotshal and Manges, Mark Hoenig, and David Stone" replaces lines 24 and 25 entirely;
5. Page 11, line 18: "October 16" replaces August 16;
6. Page 16, line 8: "DTL-USA" replaces DTLU;
7. Page 16, line 12: "DTL-USA" replaces DTLU
8. Page 16, line 25 : "DTL-USA" replaces DTLU
9. Page 34, line 12: "new" replaces no;
10. Page 34, line 26: No Change;
11. Page 43, line 25: "To" replaces Sister; Page 43, line 25: "Ira Millstein" replaces Hire Milstein;

12. Page 43, line 26: "Reynolds and Rowella" replaces Ellends (ph);
13. Page 49, line 7: "philosophically" replaces philosophy;
14. Page 76, line 4: No change;
15. Page 76, line 22: "Ministry of" replaces administrative;
16. Page 81, line 16: "Qiriat Arba" replaces Curiot Arba (ph);
17. Page 81, line 19: " Qiriat" replaces Curiot;
18. Page 89, line 17: No change;
19. Page 99, line 22: "116" replaces 160;
20. Page 114, line 20: No change; the court record ended when this court recessed at 1:12 p.m.

The request "to tape all future hearings" is DENIED. Practice Book Section 1-10.

SO ORDERED.
Dated this 2nd day of February, 2001

BY THE COURT

/S/_____
Tierney, J.

NOTICE SENT: 2/9/01
JOYCE A. MORIN
YVONNE LIEBEL, PRO SE
ROBINSON & COLE, LLP
RUCCI, BURNHAM, CARTA & EDELBERG, LLC
CURTIS MALLET-PREVOST, COLT & MOSLE, LLP
HALLORAN & SAGE, LLP
CLERK, SUPERIOR COURT, DANBURY
CV00 0338520S

APPENDIX D8

A.C. 21419	:	Superior Court
DOCKET NO. CV000338520		
The Alliance Foundation, Inc.	:	Complex Litigation
Inc. , et al.		Docket at Stamford
v.		
Eugene Grant, et al.	:	February 23, 2001

ORDER

This court, Tierney J., replies to the Plaintiffs' Motion for Rectification of Docket Sheets and Missing files dated January 22, 2001.

The Plaintiffs' motion requested the following relief on page 6, " The Plaintiffs respectfully move this court for an order to correct the docket sheets contained within the court's file and the state of the file to conform to the true state of the pleadings, including but not limited to the items listed in Exhibit E, pursuant to P.B. Section 66-5." Exhibit E is a one page letter with a five page attached list from the Plaintiff Yvonne Liebel to Robert Jackson, Assistant Clerk, Superior Court Judicial District of Danbury.

In accordance with Practice Book Section 66-5, this court as the trial judge who presided over the November 15, 2000 hearing finds: (1) No hearing shall be held "at which arguments may be heard, evidence taken or a stipulation of counsel received and approved." (2) This court shall make such corrections or additions as are necessary for the proper presentation of the issues raised or for the proper presentation of questions reserved.' (3) This court has reviewed the original portions of the court's file in the possession of the Presiding Judge, Complex Litigation Docket, Judicial District of

Stamford-Norwalk. (4) After said review this court makes the following findings:

(a) this file is physically in the Danbury J.D. and never has been physically in Stamford;
(b) once the objection to transfer to Complex Litigation Docket was overruled on November 15, 2000, the Court Officer for the undersigned requested Therese Servas, TCA/Chief Clerk, Judicial District of Danbury send the file to Stamford;
(c) once the notice of appeal of, inter alia, the transfer to Complex Litigation was received, the Court Officer notified Ms. Servas on December 1, 2000 that the file should not be forwarded until either the appeal was dismissed or there was a termination of stay as to the transfer;
(d) the only original filings/pleadings that are in Stamford are as follows:
    (i) #129- Application for Case Referral to Complex Litigation Docket dated 10/12/00, filed by Defendant Grant;
    (ii) #131- Objection to Application for Case Referral to Complex Litigation Docket, dated October 12, 2000, filed by Plaintiffs;
    (iii) #131.10- Supplement to October 12, 2000, Objection dated October 31, 2000, filed by the Plaintiffs;
    (iv) #137- Objection to the transfer to Complex Litigation Docket, dated November 9, 2000 filed by Plaintiffs;
    (v) #138- Motion for Continuance dated November 14, 2000, filed by Plaintiff Liebel.

(e) two of the items contained in paragraph 4(d) (i)- 4 (d) (v) were previously forwarded to the Appellate Court by the Complex Litigation Court Officer.

A copy of this order is being sent to Robert Jackson, Assistant Clerk, Superior Court Judicial District of Danbury along

with copies of the five documents set forth in paragraph 4 (d) (i)- 4 (d) (v) above.

All other requests made by the Plaintiffs of this Court are denied since this Court does not have and never did have possession of the remainder of the file.

SO ORDERED
Dated this 23rd day of February, 2001

BY THE COURT

/S/_____
Tierney, J.

Notice: 2/27/01
Yvonne Liebel
Joyce A. Morin
Curtis Mallet-Prevost, Colt & Mosle
Halloran & Sage, LLP
Robinson & Cole, LLP
Rucci, Burnham, Carta & Edelberg, LLC.
Clerk, Danbury J.D.
bjm

APPENDIX D9

Docket No. CV00-0341050S/49S/48S

Grant, Eugene	:	Superior Court
v.	:	Complex Litigation Docket at Stamford
Alliance Foundation	:	March 8, 2001

ORDER

1. The Motion for Continuance filed by Joyce A. Morin, counsel of record for Alliance Foundation, dated March 7, 2001 is DENIED.
2. The appearance filed by Joyce A. Morin for Alliance Foundation, is a general appearance for all purposes. The Practice Book does not permit conditional appearances in civil cases. No court has entered an order regarding any conditions to the general appearance of Joyce A. Morin for Alliance Foundation. Therefore, Joyce A. Morin's appearance is not conditional and she is required to appear before this court on March 12, 2001 at 10:00am fully authorized to speak for and bind her client, Alliance Foundation, according to law, in the same manner as all other counsel filing an appearance for parties in other civil actions in the Connecticut Superior Court.

SO ORDERED.

BY THE COURT,

/S/_____
Tierney, J.

Transcript Excerpt from Complex Litigation Docket hearing in Stamford before Hon. Judge K. Tierney, on November 15, 2000

Page 35 lines 12-18

MS. LIEBEL: Attorney Joyce Morin who I have a great deal of respect for and she has tried to help me to the best of her ability, she formally represents all the plaintiffs but primarily all she does is she reads documents prepared by me, edits the language and signs these documents to comply with the legal state requirement.

APPENDIX D10

Docket No. CV00-0341050S/49S/48S		
Grant, Eugene	:	Superior Court
v.	:	Complex Litigation Docket at Stamford
Alliance Foundation	:	March 9, 2001

ORDER

The Motion for Continuance filed by Attorney Joyce A. Morin via fax on March 9, 2001 is DENIED for failure to comply with Practice Book Sections 3-9 and 3-10.

SO ORDERED

BY THE COURT,

/S/_____
Tierney, J.

APPENDIX D11

Docket No. CV-00-0341048/49/50S	: SUPERIOR COURT
EUGENE GRANT	: JUDICIAL DISTRICT OF DANBURY
VS.	: AT DANBURY (also filed in Stamford)
ALLIANCE CAPITAL, INC.	: JANUARY 26, 2001

OBJECTION TO THE TRANSFER TO COMPLEX LITIGATION DOCKET

ORDER

The foregoing objection having been heard, it is hereby ordered : Overruled

THE COURT (Tierney, J.)
3/12/01

/S/_____
R Rush, Court Officer

APPENDIX D12

NO. A.C.21419
ALLIANCE FOUNDATION, INC.
ET AL. : APPELLATE COURT
V. : STATE OF CONNECTICUT
EUGENE GRANT ET AL. : MARCH 21,2001

ORDER

THE MOTION OF THE PLAINTIFFS-APPELLANTS, FILED FEBRUARY 20, 2001, FOR REVIEW OF ORDER CORRECTING TRANSCRIPT, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY

O R D E R E D NO ACTION NECESSARY.*

BY THE COURT,

*APPEAL DISMISSED THIS DATE.

/S/_____
ASSISTANT CLERK-APPELLATE

NOTICE SENT: MARCH 22, 2001
HON. KEVIN TIERNEY
CLERK, SUPERIOR COURT, DANBURY
CV00 0338520
JOYCE A. MORIN
RUCCI, BURNHAM, CARTA & EDELBERG, L.L.C.
YVONNE LIEBEL
ROBINSON & COLE
CURTIS MALLET-PREVOST, COLT & MOSLE
HALLORAN & SAGE, LLP

Er 779/002843

APPENDIX D13

NO. A.C.21419
ALLIANCE FOUNDATION, INC.
ET AL. : APPELLATE COURT
V. : STATE OF CONNECTICUT
EUGENE GRANT ET AL. : MARCH 21,2001

ORDER

THE SECOND REQUEST AND SUPPLEMENT MOTION OF THE APPELLANT, FILED MARCH 7, 2001, FOR RECTIFICATION OF DOCKET SHEETS AND MISSING FILES WHICH THE COURT TREATS AS A MOTION FOR ORDER, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY

O R D E R E D NO ACTION NECESSARY.*

*APPEAL DISMISSED THIS DATE.

BY THE COURT,

/S/_____
ASSISTANT CLERK-APPELLATE

NOTICE SENT:3/23/01
ROBINSON & COLE
RUCCI, BURNHAM, CARTQA & EDELBERG
YVONNE LIEBEL
CURTIS MALLET-PREVOST, COLT & MOSLE
HALLORAN & SAGE, LLP
JOYCE A. MORIN

Bjm 834-002907

APPENDIX D14

NO. A.C.21419
ALLIANCE FOUNDATION, INC.
ET AL. : APPELLATE COURT
V. : STATE OF CONNECTICUT
EUGENE GRANT ET AL. : MARCH 21,2001

ORDER

THE MOTION OF APPELLANT, FILED MARCH 3, 2001, FOR REVIEW OF JUDGE TIERNEY'S ORDER DATED FEBEUARY 23, 2001, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY

O R D E R E D NO ACTION NECESSARY.*

BY THE COURT,

*APPEAL DISMISSED THIS DATE.

/S/_____
ASSISTANT CLERK-APPELLATE
SUSAN C. REEVE

NOTICE SENT: MARCH 22, 2001
ROBINSON & COLE
RUCCI, BURNHAM, CARTQA & EDELBERG
YVONNE LIEBEL
CURTIS MALLET-PREVOST, COLT & MOSLE
HALLORAN & SAGE, LLP
JOYCE A. MORIN
HON. KEVIN TIERNEY
CLERK, SUPERIOR COURT, DANBURY
CV00 0338520S
Er 831/002908

APPENDIX D15

KEVIN W. AHERN
Attorney at law
33 Heritage Hill Road, Branford, Ct. 06405
Tel: 203-488-4520, Fax: 203-488-1465, E-mail: kwsahe@earthlink.net

March 30, 2001

To: Yvonne Liebel
From: Kevin W. Ahern
Re: Alliance Foundation, Inc., Et Al v. Eugene Grant, Et Al.

Dear Eva:

As I was passing through Stamford this morning I stopped at the Court house to review the files in the three new cases. While I was there the clerk informed me that your appeal in the above captioned matter was dismissed on March 22, 2001. You should check with Joyce immediately to see if she received a memorandum of decision.

/s/Kevin

APPENDIX D16

KEVIN W. AHERN
Attorney at law
33 Heritage Hill Road, Branford, Ct. 06405
Tel: 203-488-4520, Fax: 203-488-1465, E-mail: kwsahe@earthlink.net

April 3, 2001

To: Yvonne Liebel
From: Kevin W. Ahern
Re: Grant V. Alliance Capital, Inc.
Grant V. Alliance Capital, Inc.
Grant V. Alliance Foundation, Inc.

Dear Eva,

I remind you that I need input from you to complete the preliminary designation of pleadings for the appeal of the above cases. We should file these pleadings soon.

I received a call from Robinson and Cole this morning. One of their attorneys wants to discuss these cases before filing a motion to dismiss. It is customary to return calls to opposing counsel. Do you wish to participate in the conversation?

Sincerely,

/s/Kevin W. Ahern

* * *

April 4, 2001
To: Yvonne Liebel
From: Kevin W. Ahern
Re: Eugene Grant V. alliance Foundation, Joint Appeal

Dear Eva:

You had indicated that you wanted to discuss the preliminary designation of documents for the above appeal. Too date I have sent you several letters requesting your input. I reviewed the court files in both Stamford and Danbury. I made an index of these files' contents. The Preliminary designation of pleadings has to be based upon the contents of the Court file. As I previously explained to you the Appellate Court sits as a court of review. It determines the propriety of the trial court's actions with respect to the contents of the file. I can put together a preliminary designation of pleadings from the court files if you wish. I really am not certain what else it is that you want included which was contained in your 121fax. That was the subject of the above referenced letters to you earlier this week.
/s/Kevin W. Ahern * * *

April 7, 2001
To: Yvonne Liebel
From: Kevin W. Ahern
Re: Eugene Grant V. alliance Foundation, Joint Appeal

Dear Eva:

We need to file the supporting documents with the Appellate Court in the above matters. You had indicated that you wanted to have some input with respect to the preliminary designation of documents. I have sent you several letters concerning this matter. Wee need to get these documents on file very soon or we may run into problems with late filing.

Pursuant to your instructions I worked on the petition for certification in the case of the Alliance Foundation, Inc. et al. v. Eugene Grant et al. rather than the supporting appellate pleadings for the above captioned matters this weekend. However, following the completion of the other work, I went back to work on the above mentioned supporting documents for the appeal.

Enclosed are the preliminary statements of issues, preliminary designation of pleadings, docketing statement, statement for preargument conference, notice of appeal and docketing sheets. Please review them at your earliest convenience. We need to file these documents very soon.

Thank you for your kind attention to this matter.

Sincerely,
/s/ Kevin W. Ahern

* * *

April 10, 2001
To: Yvonne Liebel
From: Kevin W. Ahern
Re: Eugene Grant V. alliance Foundation, Joint Appeal

Dear Eva:

I faxed you the supporting documents for the appeal of the above three matters over the weekend. Please review them. These documents need to be filed with the Court.

Sincerely,
/s/Kevin Ahern

* * *

April 13, 2001
To: Yvonne Liebel
From: Kevin W. Ahern
Re: Eugene Grant V. alliance Foundation, Joint Appeal

Eva:

There may be a way to transfer the appeals pending in the above captioned matter to the Supreme Court without having to withdraw them from the appellate court or file a new appeal. However, you need to file the supporting appellate documents that I faxed you last weekend in order to do it. I urge you to file these documents soon. I think you need the input of all your attorneys in this matter before a decision is made on the business of transfer.

Sincerely,
/s/ Kevin W. Ahern

* * *

April 18, 2001
To: Yvonne Liebel
From: Kevin W. Ahern
Re: Eugene Grant V. alliance Foundation, Joint Appeal

Eva:
..... There is also the matter of the pending appeal to the Appellate Court in this matter. Do you wish to proceed with it? Do you wish to file the supporting documents? If so, we need to file them very soon. Otherwise, the Court may dismiss the appeal on its own motion or motion of opposing counsel. The Court wants t know what you want to do. We need to answer the Court's telephone inquiry. I repeatedly asked you how you wish to proceed in this matter with respect to filing these documents. I still do not have an answer. Do you want to move for an extension of time? Do you want to begin drafting Briefs? If so time is becoming short. Furthermore, the Court may not allow you a duplicate appeal to the Supreme Court in the same matter, or duplicate appeals may open the door to opposing counsel's motion to dismiss one or the other.

Please call me today to discuss these matters.
Thank you for your kind attention in this matter.

Sincerely,
/s/Kevin W. Ahern

APPENDIX D17

P.O.BOX 3245 RIDGEWAY STATION
123 HOYT STREET
STAMFORD, CONNECTICUT 06905

EFFECTIVE DATE 03/30/2001 OF TRANSFERRED CASE -
THE FOLLOWING DOCKET NUMBER:
CV-01-0183182-S
HAS BEEN ASSIGNED TO THE CASE OF:
ALLIANCE FOUNDATION ETAL
VS.
GRANT, EUGENE ET AL

WHICH HAS BEEN TRANSFERRED BY THE CURT TO:
STAMFORD JUDICIAL DISTRICT.
PLEASE USE THIS NUMBER ON ALL FUTURE PLEADINGS,
MOTIONS, AND CLAIM SLIPS.

CLERKS OFFICE, JUDICIAL DISTRICT
SUPERIOR COURT
P.O.BOX 3245 RIDGEWAY STATION
123 HOYT STREET
STAMFORD, CONNECTICUT 06905

JOYCE A. MORIN
559 RTE. 6
P.O.BOX 110
MAHOPAC NY
10541

APPENDIX D18

Faxed on April 19-01 at 1:06 PM by Attorney Ahern 203-488-1465

Francis J. Drumm, Jr. **SUPREME COURT** 231 capitol Avenue
Chief Clerk **APPELLATE COURT** Drawer Z. Station A
860-757-2200 Hartford, CT 06106

April 16, 2001

Dear Counsel and Pro se Parties:

The attached, recently-filed appeal, has been assigned docket number A.C.21768 Eugene M. Grant v. Alliance Capital Inc.

The case manger responsible for this appeal is: Cynthia Gworek Questions are encouraged; to ask them, direct-dial your case manager at 860-757-2149.

It is the policy of the Appellate system to maintain normal operations (9am to 5 pm, Monday through Friday) whenever reasonably possible. There maybe occasions, however, when normal operations may be temporarily suspended or curtailed, such as severe inclement weather. On those occasions, a recorded message will be played when the general public number, 860-757-2200, is dialed.

Documents due on a day when operations are suspended or curtailed may be filed on the next day when the office is required to be open. Practice Book Section 63-2.

We strive to conduct the business of the Courts courteously and efficiently. If you have comments about how we do that, I would like to hear from you.

Very truly yours,

/s/_____

Francis J. Drumm, Jr.

APPENDIX D19

Kevin W. Ahern
Attorney at law
33 Heritage Hill Road, Branford, CT 06405
Tel: (203) 488-4520 Fax: (203) 488-1465

April 22, 2001

Appellate Court
231 Capitol Avenue
Hartford, CT

Attention: Appellate Clerk
Re: Grant v. Alliance Capital Inc.
Docket No. CV 00 0341048 S
Grant V. Alliance Capital, Inc.
Docket No. CV 00 0341049S
Grant V. The Alliance Foundation, Inc.
Docket No. CV 00 0341050S

Dear Sir/Madam:

On March 29, 2001 Alliance Capital, Inc. and The Alliance Foundation, Inc. filed a notice of joint appeal with the Superior Court in the Judicial District of Danbury at Danbury. The issues presented for appeal were similar to those contained in an appeal which was assigned the docket number of AC 21419, which had been dismissed on March 22, 2001. The Defendants in the above captioned matters were not notified of the dismissal, and found out about it completely by accident on March 30, 2001. Despite the dismissal by the Appellate Court, this dismissal is not a final judgment. Certification for review of this matter is being sought from the Supreme Court. Had the Defendants in the above captioned matter known of the dismissal, they would not have filed the appeal., but rather would have sought direct review by the Supreme Court pursuant to CGS Section 52-265a.

The Defendants did not file the supporting documents required by PB Section 63-4. The Appellate Clerk assigned a docket number of AC 21768 to this joint appeal before the Appellants filed an endorsed copy of the appeal and any of the PB Section 63-4 documents. PB Section 63-3 clearly indicates that a docket number is to be assigned only after the appellants have the endorsed copy of the appeal form. My client has not authorized me to file a withdrawal of this appeal, but instead requests the Appellate Clerk to reverse all actions taken in this matter to date.

With respect to appeal number 21419 the docket sheets on record with the Court indicate that this appeal was withdrawn rather than dismissed. My client is deeply concerned about this error because it has appeared on the Internet. My client has requested that you correct this error in the docket entry to show that the appeal was dismissed.

Sincerely,
/S/ Kevin Ahern

APPENDIX D20

NO. A.C.21768
EUGENE GRANT

: APPELLATE COURT
V. : STATE OF CONNECTICUT

ALLIANCE CAPITAL, INC. : JUNE 20, 2001

ORDER

THE MOTION OF THE PLAINTIFF, FILED APRIL 17, 2001, TO DISMISS THE APPEAL OF THE DEFENDANT, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY

O R D E R E D GRANTED.

BY THE COURT,

SCHALLER, J.,
IS RECUSED

/S/_____

ASSISTANT CLERK-APPELLATE
CYNTHIA M. GWOREK

NOTICE SENT: JUNE 20, 2001
ROBINSON & COLE
KEVIN W. AHERN
CLERK, SUPERIOR COURT, DANBURY
CV00-0341048S, CV00-0341049S, CV00-0341050S
HON. TAGGART D. ADAMS
PAC
Mkm 1006/003110

APPENDIX D21

NO. A.C.21768
EUGENE GRANT

: APPELLATE COURT
V. : STATE OF CONNECTICUT

ALLIANCE CAPITAL, INC. : JUNE 20, 2001

ORDER

THE MOTION OF THE PLAINTIFF, FILED APRIL 17, 2001, FOR SANCTIONS, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY

O R D E R E D DENIED.

BY THE COURT,

SCHALLER, J.,
IS RECUSED

/S/_____
ASSISTANT CLERK-APPELLATE

CYNTHIA M. GWOREK

NOTICE SENT: JUNE 20, 2001
ROBINSON & COLE
KEVIN W. AHERN
CLERK, SUPERIOR COURT, DANBURY
CV00-0341048S, CV00-0341049S, CV00-0341050S
HON. TAGGART D. ADAMS
PAC
Mkm 1007/003109

APPENDIX D22

JOYCE A. MORIN
Attorney At Law
559Route 6 * P.O.Box 110 * Mahopac, New York 10541
Phone (845) 628-1825* Fax (845)628-1605

July 18, 2001

Joseph Clasen, Esq. - Fax No. 1-203-462-7599
Robinson & Cole, LLP
695 East Main ST.
P.O.Box 10305
Stamford, CT 06904

Re: The Alliance Foundation, et al
Vs. Eugene Grant et al.
X05 CV 01 0183 182-S

Dear Mr. Clasen:

I am in receipt of your notice of Deposition scheduled for tomorrow, July 9, 2001, at your office.

Please be advised that this attorney no longer represents The Alliance Foundation, or its founder, Yvonne Liebel. Accordingly, I will not be at your office on July 19, 2001.

I will provide the appropriate papers to inform the Court and all parties involved.

Very truly yours,

/s/ Joyce A. Morin

cc: Yvonne Liebel- Fax No. 1-203- 438-0040

APPENDIX D23

Page 1 LIEBEL 10/25/00

AM
10:15 Agent arrives at client's home address
10:38 Agent departs with client. There is a private guard present.
10:50 Agent & client arrive at client's office. Alarm is jammed.
11:00 Former bookkeeper "Paul" arrives & writes an affidavit on his behalf. Maintenance is working on heating radiator. The accounting office was flooded with water and files were wet.

12:45 It's noticed the main entrance into the office has damage on the door in the handle area, the wood is split and broken, there is also damage to the door frame which exactly co-insides with the damage on the door. There is fragmented wood and paint debris on the floor under where the door would be positioned when closed. Also, the accounting room door directly behind main door has very similar markings on the door and door's frame with same type of

debris found on floor where door latches when closed. Also Also, one of three, 4 drawer file cabinets was unsecured, the lock was found to be on top of the cabinet with no key in sight. The security bar that was the length of the four drawers was found across the room on the floor.

PM
1:25 Agent and Client in process of departing.

/s/_____
Mgr. Discreet Investigations, Inc.
203-448-5429

APPENDIX D24

Abraham Uzi Waks, MD. F.A.C.P.
Internal Medicine, Hypertension & Nephrology

March 26, 2001

To: Whom It May Concern
Re: Yvonne Liebel

The above patient has been under my care since February 27, 2001 for lightheadedness and bronchial irritation.

Mrs. Liebel was exposed to Bromine in Connecticut and experienced eye and bronchial irritation. Since leaving her polluted environment she had been feeling much better. She has still some

lightheadedness. Bromine level, blood and urine, are still above normal range but less than toxic level.

I recommended her to stay another month out of Bromine polluted environment. Please feel free to call me for additional information regarding this matter.

Sincerely,

/s/_____

Abraham Uzi Waks M.D.
Clinical Associate Professor of Medicine UCLA
8920 Wilshire Blvd. Beverly Hills, CA90211

APPENDIX D25

THE ALLIANCE FOUNDATION, INC.
54 Danbury Road, Suite 300, Ridgefield, CT 06877
Tel: 203-431-8655 Fax: 203-438-4677

June 22, 2001

Via: Fax (2 pages)
203-356-9471

Rose Ann Rush, Esq.
Superior Court - Stamford
Complex Litigation Docket (CLD)
123 Hoyt Street
Stamford, CT 06905

Re: Resignation of Counsel
The Alliance Foundation, Inc. et al v. Eugene Grant, et al., CV-00-0338520-S, DTL-USA, Inc. and Yvonne Liebel v. Ridgefield Bank, CV-00-0338142-S, Eugene Grant v. The Alliance Foundation, Inc. CV-00-0341050-S and Eugene Grant v. Alliance Capital, Inc., cases CV-00-0341048-S and CV-00-0341049-S

Dear Ms. Rush:

In April this year Attorney Kevin Ahern resigned from his representation of the three Grant cases No.'s CV-00-0341048-S/49-S/50-S. His resignation came a result of my refusal to go forward with the appeal of these cases to the Appellate Court after I learned that the appeal on case No. CV-00-0338520-S was dismissed. Although the appeal process was never completed in accordance with P.B 63-3, the Court assigned this non-appeal a docket number and a case manager. Against the interest of the corporations

Attorney Ahern urged me to immediately respond to the Motion to Dismiss Appeal and Motion for Sanctions filed by Attorney Joseph Clasen, which I refused to do. Against my instructions, attorney Ahern further validated the appeal by filing on his behalf an answer to the Motion for Sanctions. Yesterday, Attorney Ahern faxed me a copy of the Appellate Court decisions dismissing this appeal and denying the sanctions. Attorney Ahern offered no explanation or advice with regard to this matter. Since this incident I find I can no longer depend on Attorney Ahern's legal advice and thereby accept his resignation as of today with regard to any of the above corporations.

In addition, on June 18, 2001, I received a fax letter from Attorney Joyce Morin, informing me of her resignation. This came as a surprise, especially after I had sent this Court our intent to add her back to the cases represented by Attorney Ahern. Attorney Morin 's primary reason for resigning was that she was not getting her fee of $1000 a month in a timely fashion, although she had always received her payments within 30 days or sooner and received her last payment only few days prior to her resignation. I asked Attorney Morin to remain counsel for the corporations but did not yet receive her final response.

Considering these circumstances you may contact me directly with regard to any conferences or other related matters at:

Fax: 203-438-0040 and 310-657-2731
Phones: 203-438-4377 or 203-894-9702
Cell phone: 310-435-0769
Address: 106 Great Hill Road, Ridgefield, CT 06877

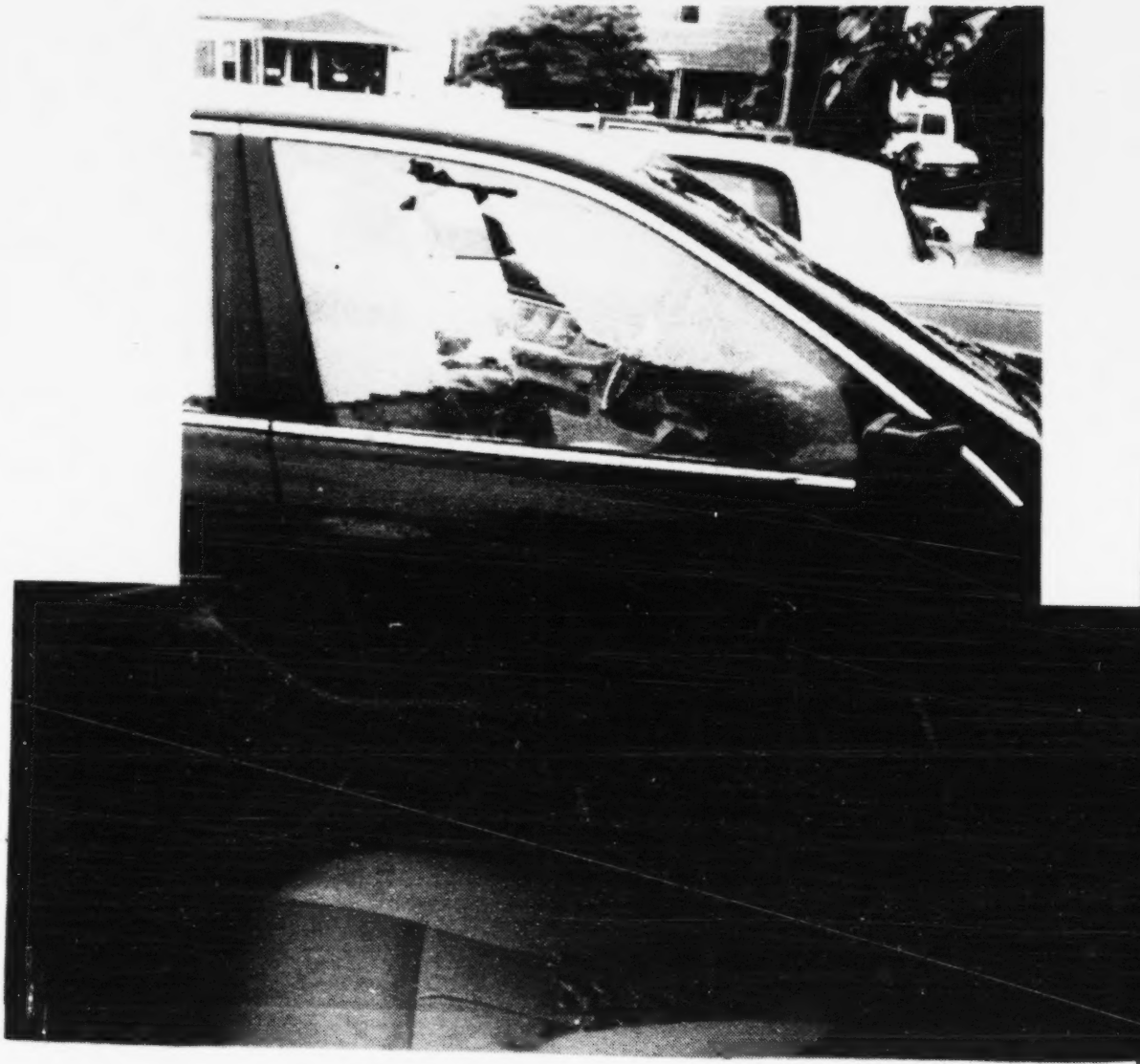
Sincerely

/S/Yvonne Liebel

Cc: Kevin Ahern, Esq. 203-488-1465
Joyce Morin, Esq. 845-628-1605
Joseph L. Clasen, Esq. 203-462-7599
Brian Wille, Esq. 212-808-8108
Stephen Fogerty, Esq. 203-227-6992
Karen Linder, Esq. 203-655-4302
Susan Reeve, Clerk Appellate Court 860-757-2217
Robert Jackson, Assistant Clerk, Danbury Superior Court 203-207-8642

APPENDIX D26

5/27/01 Photograph of car window



APPENDIX D27

July 5, 2001, Residence Interior Doors